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THE NEW FRENCH LOAN.

AS soon as the new Treaty with Germany had been adopted by the Assembly, the French Government sought the necessary powers for the issue of the new Loan. A summary of the circumstances under which these powers were asked for was submitted by M. THIERS, and thus an opportunity for making a sort of financial manifesto was obtained. A nation like France is above issuing a prospectus when it asks even for a sum exceeding a hundred millions sterling; and all the world is supposed to know without inquiry that it may safely lend any sum whatever to a great nation. But it is convenient that, in some shape or other, those who are invited to subscribe should have the principal facts connected with the loan brought before them; and it would be difficult to find a better way of fulfilling this object than the French method of accompanying the introduction of the law legalizing the issue of new stock by an elaborate and authoritative statement of the reasons which have prompted the Government to ask for permission to make a serious increase to the National Debt. That three milliards of francs must be had, that to get them in time it is necessary to begin getting them at once, that Frenchmen have in the liberation of their country a special motive for endeavouring to help the State to get them, and that a five per cent. stock is the best form of issue, were points on which M. THIERS was obliged to dwell, although every one could anticipate what he had to say about them. The really interesting thing is to know how much is asked for, and how far the present financial position of the country warrants the expectation that the loan when issued will maintain a steady or an advancing price. Political causes of perturbation stand on a different footing, and subscribers must form their own opinion of the probable future of France. But the financial position of a country exercises an influence over the price of stocks apart from the influence of purely political changes, and the world of capital when it is asked for a hundred and thirty or forty millions sterling, likes to know the financial position of the country asking for it. There is no doubt that the whole of the loan will be readily subscribed, and no subscriber need seriously fear that the day will ever come when he will fail to receive the stipulated interest. But if the loan is issued, as the last was, at eighty-two and a half per cent., and thus gives a clear six per cent. to the lender, the practical question which most persons will put to themselves will be whether the price is likely to go up or down. The last loan was at one time quoted at ten premium, and if there were good reason for supposing that the same thing would happen with the new loan, the investment would be a very attractive one. If France were really in a good financial position, her credit ought soon at least to rival that of the United States, or, in other words, the loan issued at eighty-two and a half ought to rise to par.

The law authorising the loan gives the Government power to issue enough five per cent. Rentes to produce one hundred and twenty millions sterling, and also enough to pay for the expenses of the issue and the other expenses connected with the transaction. M. THIERS estimates that the new loan will cost eight millions sterling to issue, and the other charges cannot be less than two millions more. Thus the loan is to be for enough Rentes to produce at least one hundred and thirty millions sterling. In order to show that those who wish to subscribe to it may do so with a sense of perfect security, M. THIERS in his statement urges, first, that France has now given up the system of deficits in the annual budget, and has begun to raise in each year all that is required for the service of the year. In the next place, he says that France has resolved to apply out of annual taxation eight millions sterling a year to redeem the principal of

her new debts created by the German war. Lastly, he points to a recent vote of the Assembly by which Government stock was specially exempted from a new tax levied on securities, and this may convince subscribers that they will not hereafter have their coupons taxed. There is one special head, however, on which he thinks it necessary to offer a few encouraging remarks. The new taxes have not, as is well known, produced as much as was anticipated, but the deficiency was, according to M. THIERS, solely due to the fact that sellers of the articles taxed bought largely in anticipation of the tax, and thus the market was for a time supplied without the revenue benefiting. This process is now at an end, and the taxes are producing what they were expected to yield. Such is the prospectus which M. THIERS offers to the world, and although it does not seem to us either accurate or complete, criticism on it cannot be pushed to the length of saying that the stock will not be worth the price of issue. It is obvious that if France was really raising enough already from taxes to pay the interest of the new loan, and also to pay off eight millions a year of the principal of her recent debts, the loan would be cheap at par. What keeps down the price at which it can be issued is not only the magnitude of the sum and the dread of political commotions, but the persuasion that the present loan is not all that France will have to borrow, the knowledge that France has not yet a balanced budget, or anything approaching to it, and the disbelief in the continued application of eight millions a year to the redemption of the principal of the debt. At present France is bound to go on paying eight millions a year till it has redeemed its debt to the Bank of France, but it is under no engagement whatever to continue to raise this sum for the redemption of its general debt, and the notion that this payment shall go on after the Bank is paid off has never been submitted to or sanctioned by the Assembly or the country, and is in fact an invention of M. THIERS in order to make his prospectus look handsomer. It may be observed that, if reports are true, the consequence of the issue of this very loan is that the Bank of France is to receive power to increase its inconvertible issue of notes by sixteen millions sterling. This may conduce to floating the loan and to the removal of the danger of commercial pressure through its issue. But the one great object of the annual repayment of the eight millions to the Bank is to enable the Bank to return to specie payments, the cessation of which transferred to England almost the whole of the exchange business of France; and now the loan which subscribers to it are invited to hope will be paid off by a sinking-fund is discovered to necessitate the delay of a return to specie payments by creating a very large increase in the inconvertible issue.

The Assembly has spent many weary days and heard many weary debates in the anxious endeavour to carry out that part of M. THIERS's statement in which he leads subscribers to believe that enough new taxes will be voted to balance the Budget. The great subject of recent contention has been the proposal to tax business transactions, which its authors estimated to be likely to bring in seventy millions of francs, and which was their great means of replacing the taxation of raw materials so dear to M. THIERS. M. GASLONDE a week ago made an excellent speech against this tax, which is, according to the rules generally supposed to apply to taxation, a very bad one. It is impossible to know what transactions a trader goes through, and it is necessary to trust his declaration. The tax thus becomes an income-tax; but the transactions of small traders are proportionately more numerous and serious than those of great traders, so that it is a bad and unfair form of income-tax. M. CASIMIR PÉRIER was therefore quite logical when he said that it would be much better to put a special income-tax on traders. But the

Assembly rejected this on the ground, to which M. THIERS always recurs with delight, that it has rejected one income-tax on principle, and that all proposals for an income-tax are now beyond the region of discussion. M. GASLONDE argued that the proposal of the Committee had much better have its shape changed, and that if traders were, as traders, to pay more than they do now, the simplest and best way of getting at them would be to increase the sums they pay for their licences to trade. By increasing the licence-tax, and by a few other augmentations of direct taxes, principally touching the trading classes, he stated that the seventy millions might be obtained which the Committee hoped to get from their tax on business transactions. Possibly to his surprise, he found himself taken suddenly under the wing of M. THIERS, who warmly applauded all he said, and informed him that the Government accepted his suggestions. On Tuesday M. THIERS unfolded his views at great length to the Assembly in a most curious speech, in which, so to speak, he stung all round, and had even a sharp word for his old friends the ORLEANS Princes. Having repeated and enforced his assertion that new taxes producing two hundred millions of francs must be voted in order to balance the Budget, he explained the views of the Government under the altered circumstances in which it found itself placed. All the criticisms lavished to show the impossibility of getting what was extracted from taxes on raw materials were quietly and completely ignored. M. THIERS went back to his old figure of ninety-three millions, as if it were beyond dispute, and he betrayed not the least shadow of doubt that in the end the Assembly would let him have his way, and would vote the taxes on raw materials. The Assembly has already voted a tax on securities, which will, he reckoned, yield fifteen millions, and one on mortgages, which will, he reckoned, yield three millions. The Government is going to propose a tax on metals other than iron, which is calculated to yield nine millions. To the one hundred and twenty millions thus obtained are to be added the twenty millions to be gained by suppressing frauds in the manufacture of alcohol. Sixty millions have still to be provided for, and for these the Government announced itself ready to look to the taxes suggested by M. GASLONDE. It had proposed to make up the deficiency by an increase of the direct taxes on real property and by an increase of the duty on salt. These proposals were in the highest degree unpopular, as M. THIERS frankly owned, and as it is impossible to help guessing he meant them to be. Now his intentions were clearly revealed. The Assembly had been, as it imagined, discussing what were the taxes that would best replace the taxes on raw materials. The Committee had suggested with this object a tax on business transactions. M. GASLONDE had suggested with this object a tax on traders in what he thought a better shape. M. THIERS now accepted M. GASLONDE's proposal, not, however, as a means of doing away with the taxes on raw materials, but as a means of doing away with other taxes which formed part of the Government scheme and were found to be exceptionally unpopular. Having thus made the Assembly exercise its ingenuity in devising taxes to replace the taxes for which he did not care in the least, and not to replace those on which he had set his heart, he went on to argue in favour of M. GASLONDE's proposal, and to condemn the tax on business transactions as very vexatious, and likely to bring in much less than was expected, while the produce of an increase on licences would be sure to yield what was expected of it, and would be in harmony with the existing habits of the country. On a subsequent day the great trial of strength was made, and the Assembly, by a majority of fifty-one in a very full house, rejected the tax on business transactions. M. THIERS has so far had his way, and it is probable that no further serious opposition will be made to his taxes on raw materials. But if this is so, and if it is thus that the financial equilibrium is to be obtained on which in putting forth his new loan he so confidently insists, it is to be remembered that, apart from their disastrous indirect effects on French prosperity, these taxes, which he takes as producing nearly four millions sterling, will, in the opinion of those who have examined the question most carefully, scarcely produce a tenth part of that sum.

#### LORD GRANARD AND THE GOVERNMENT.

THAT all Lieutenants of counties in Ireland, or even in England, should be exempt from imprudence it would be unreasonable to expect; but one of the local representatives of the Irish Government exceeds the license ordinarily accorded to incapacity. Since Lord GRANARD thought fit some years

ago to join the Roman Catholic Church he has illustrated the distinction which frequently exists between native believers and proselytes, by adopting the politics as well as the religion of the wilder section of the priesthood. Not long since he thought fit to express his approval of the Irish rebellion of 1798; and it was naturally inferred by unfriendly critics that he could not logically disapprove of a repetition of the enterprise by Fenian insurgents. The Government may perhaps have been justified in taking no official notice of a verbal outburst of political and religious fanaticism; but Lord GRANARD appears to have misunderstood the toleration which was extended to his factious extravagance. Although he must have been aware that the late agitation against Justice KEOGH has been conducted with scandalous violence, Lord GRANARD in a published letter assured a meeting assembled for the expression of indignation that he fully sympathized with its objects. In complaining of the alleged scurrility and injustice of the Judge's charge, Lord GRANARD perhaps unconsciously sought to establish the immunity of the Roman Catholic clergy from secular jurisdiction. It is not to be supposed that he had taken any trouble to examine the evidence for the purpose of ascertaining the truth of Justice KEOGH's accusations. In substance Lord GRANARD and the other assailants of Justice KEOGH maintain, not that the priests were innocent of intimidation, but that the conduct which is denounced in the judgment was permissible or laudable. There is something to be said for the doctrine that spiritual intimidation is not properly cognizable by legal tribunals; but Justice KEOGH's opposite opinion, that fraud and violence of all kinds are legally as well as morally criminal, is at least not obviously untenable. Even if the priests are not prohibited by law from abusing their religious character for political objects, they are certainly not entitled to organize riotous mobs which deter peaceful voters from going to the poll. Their apologists are precisely on a level with the sophists who vindicated the trade assassinations at Sheffield, except that the picketing and rattening of Galway generally stopped short of wilful murder. Judicial disapprobation of crime, expressed perhaps in unnecessarily vehement phrases, appears to those who have cultivated Lord GRANARD's state of mind an aggression on the privileges of the clergy. For the Roman Catholic gentry of Galway, who were almost universally opposed to the clerical firebrands and to their congenial nominee, a zealous convert has no feeling of sympathy. Justice KEOGH himself was a Roman Catholic while Lord GRANARD still wandered in the paths of heresy, but it is well known that the thoroughgoing bigot regards lukewarm or mutinous believers with an animosity deeper than his habitual hostility to the outside portion of mankind. But for his official position Lord GRANARD's participation in the scandalous attacks on Justice KEOGH would scarcely have attracted notice. When a man of rank swells the clamour of a noisy rabble, the injury to his own character outweighs the mischief which he perpetrates.

To the Government it is probably not inconvenient that the Lieutenant of an Irish county should be acceptable to the Roman Catholic clergy; but Lord SPENCER avoided any expression of opinion on Lord GRANARD's conduct. The official excuse that the merits of the case are not yet fully known was purely conventional, if not wholly irrelevant. Lord MIDLETON was fully justified in censuring Lord GRANARD's attack upon a Judge, even if it were ultimately proved that Justice KEOGH himself was deserving of blame. It is not fitting that the local representative of the QUEEN should countenance the scandalous outrages by which the disaffected portion of the populace have expressed their sympathy with the riotous priests who were denounced from the Bench. It seems that some men belonging to Lord GRANARD's militia regiment burned the effigy of the obnoxious Judge in front of the barracks, although Lord GRANARD asserts that he prevented those who were under his own immediate command from taking part in the discreditable transaction. When militiamen share the turbulence of the mob, a Lieutenant of a county who is also a militia officer commits a gross impropriety by joining in the general clamour. Lord GRANARD affected to extenuate his offence by an admission that his strong language had been premature, inasmuch as he had not at the time seen an authentic copy of the Galway judgment. For grave judicial misconduct the proper remedy is an address to the Crown from the two Houses of Parliament, and not an unauthorised appeal to popular passion. It was probably by an oversight that Lord SPENCER adopted or anticipated the defence suggested by his troublesome client.

If Lord GRANARD feels no objection to disgraceful insults directed against a Judge, he is at least incapable of approving the



threats of assassination which have been freely used by the apologists of the Galway priests; yet if Justice KEOGH had been shot, every promoter of the agitation would have been morally responsible for the encouragement of crime. The most deliberate criticism of the judgment could by no possibility have furnished a justification for the excitement of passions which might have found vent in murder. In other countries a public invective against an unpopular Judge might perhaps be an offence rather against propriety than against morality; but in Ireland the flatterer of an angry mob always runs the risk of becoming an accomplice in acts of lawless violence. It was to be expected that the priests who lately assembled at the summons of Cardinal CULLEN to censure Justice KEOGH's exposure of the misconduct of their Galway colleagues should be wholly indifferent both to the truth of the Judge's statements and to the possible consequences of their own remonstrance. A layman ought to be more closely bound by conscientious scruples, even though he may still retain the unreasoning enthusiasm of his original conversion. It might have been expected that a nobleman and landowner would have a certain sympathy with the Roman Catholic gentry who are the principal victims of sacerdotal tyranny and intimidation; but sectarian zeal disturbs all the social feelings which ordinarily unite the members of a class. To persons of secular habits of thought, prostration before a set of noisy and intolerant priests would seem to involve almost inconceivable degradation; but religious fanatics have a law of their own.

The LORD-LIEUTENANT and the PRIME MINISTER would consult their own dignity and the interest of their Government by hinting to Lord GRANARD the propriety of perpetrating his future extravagances in a private station. Affectionate reminiscences of Vinegar Hill and public attacks on Judges will certainly not strengthen the party to which Lord GRANARD belongs. The burners of effigies and the authors of anonymous threats of assassination will not be reconciled to English rule by any display of deference to their wishes. The capricious and incidental alliance of English Liberals with Irish partisans of priestly supremacy has already indicated, by many symptoms, its approaching disruption. To the enemies of spiritual intimidation it is not a little provoking that Justice KEOGH should have missed the opportunity of conveying a just and forcible exposure of the electoral practices of Galway in more temperate and suitable language; but the substance of his judgment agrees with the opinions of the great majority of intelligent Liberals. Even if Mr. GLADSTONE had been disposed to respond to the indignant demands of some Irish members, he could not in common prudence have vindicated, in the presence of his own supporters, the tyranny of the Galway priests. It was perhaps not injudicious to postpone on various pretexts the discussion of a question which will excite much angry feeling. The Government is accustomed to adjourn for many weeks the consideration of much more important documents than the Galway judgment; and it will not be a cause for regret if the debates on the question are put off until the general excitement has subsided. In the meantime Parliament has received the strongest assurances that the fullest precautions have been taken for ensuring the Judge's safety; and it would seem that several persons have been prosecuted for participation in the various riots. In all similar cases it is necessary to allow a certain width of discretion to those who are charged with the preservation of the peace. One member of the House of Commons asked the plausible question whether it was not as wrong to burn the effigy of a living Judge as to perform the same operation on the historical or mythical LUNDY; but a temporary burst of violence is distinguishable from an annual ceremony which almost always ends in blows. If the authorities were to repress too ostentatiously the KEOGH riots in different parts of the country, the malcontent faction which elevated the Manchester murderers to the rank of martyrs is capable of condemning Justice KEOGH to the periodical fate of LUNDY and GUY FAWKES. The removal of Lord GRANARD from an office which is not compatible with a too impetuous temperament would perhaps not greatly move the feelings of the populace; and it might convey a useful warning to agitators of the upper classes. If the Ministers meditate any reproof of the impropriety which has been committed, they may assume that the case is perfectly ripe for decision. Whatever may be the ultimate verdict of Parliament and the country on the issue which has been raised between Justice KEOGH and the Galway priests, Lord GRANARD has appealed in the most objectionable form to a wrong tribunal. His former error in judgment was perhaps not inexcusably condoned on the ground that unwise speeches

often express more than hasty orators intend. A letter to the promoters of one among a series of meetings which had in many cases resulted in outrage was a more tangible and definite violation of official duty. Turbulent Irish priests can scarcely insist that their lay disciples should share the immunity which they claim for themselves.

#### GERMANY AND THE POPE.

MUCH ingenuity seems to have been shown by the German Catholics in explaining away the POPE's pious assurance to the German deputation that by and by there will fall from the mountain a little stone which shall break the heel of the Colossus. The interpretation which they have chosen to affix to it is certainly not one which commends itself to unbiassed readers. The POPE hates Liberalism, and he no doubt believes that some extremely unpleasant fate is reserved for its professors. But there is nothing to show that he had Liberalism in his mind when he was speaking to the German Catholics. Prince BISMARCK is not specially Liberal either in sympathies or in policy, and though the POPE is not given to draw accurate distinctions between his opponents, he can hardly have confounded the German Empire with his old enemy the Revolution. There can be no reasonable doubt that by the Colossus the POPE meant the existing German Government. It does not follow, however, that Prince BISMARCK's official journal is right in concluding from this that the POPE "aims at smashing the feet of the Colossus." It is probable that he intended the image in NEBUCHADNEZZAR'S dream to express a convenient allegory rather than to convey a serious threat. The POPE, if Dr. CUMMING will allow us to say so, is probably well acquainted with Scripture, and the overthrows of evil powers so often foretold in the Old Testament and in the Apocalypse have in all ages served to give point and fervour to clerical denunciations. If the writer in the *Provinzial Correspondenz* had known his Bible equally well, he would have remembered that the stone which crushed the Colossus was cut out of the mountain without hands; and it is far more likely that the POPE meant to comfort the German Catholics by a general reference to the chances which the future may have in store for them than that he intended to encourage them to any definitely hostile action against the powers that be.

At the same time the imprudence of the POPE's language is very obvious. Down to the utterance of this apparent threat he had, in some respects, the best of the position. The German Government has suddenly appeared in the new and odious light of a religious persecutor. Its excuse for this is that the POPE has suddenly appeared in the new and odious light of a fomenter of political sedition. Prince BISMARCK may have good evidence for this latter assertion, but until now it was not evidence that could be easily brought home to the popular mind. He may see that an intimate connexion exists between Particularist and Ultramontane agitations in the Southern States, and that in proportion as the clergy keep or regain their hold over the peasantry, the process of consolidating the Empire will be delayed and hindered. But the connexion, however real it may be, is not apparent. The opposition to Prussia is rarely confined to the Catholic element in the population. It is as often as not shared by democratic agitators, to whom Catholicism is utterly hateful. A little management on the part of the priests would have enabled them to keep their connexion with the movement almost unperceived, and to represent the Empire as the natural foe of all distinctively national and patriotic aspirations. By this means it would have been made to appear that Prince BISMARCK was simply giving a false excuse for his ecclesiastical policy, that he nourished a Protestant hatred against the religious Orders, and was trying to conceal it under the disguise of secular necessities. In an Empire where the Catholic element is still large, and where the members of the rival Churches have been accustomed for a long time back to live at peace with one another, anything approaching to religious intolerance on the part of the Government is both inconvenient and distasteful. It imports all manner of unpleasantness into their domestic and social relations. It exhibits them to the world in the disagreeable light of men who are contradicting their own repeated declarations and failing to do as they would be done by. The POPE had only to play his cards carefully to reap the full advantage of this feeling. If he had abstained from using any kind of menace against Germany, or giving the Government any overt justification for its hostility to the Church, public opinion would have gone against any resort to violent measures, and Prince BISMARCK rarely

defies public opinion when he has satisfied himself as to the direction in which the tide is really setting. Instead of this the POPE, by a single unlucky phrase, has given the Minister the exact opportunity he needed. German Protestants and German Catholics will be alike alienated by the discovery that the fears of the Government have a real foundation in fact. Even the latter, when they see the POPE scheming against Germany, and moving Heaven, if not earth, to undo the results of the war, will watch Prince BISMARCK's attack on him with composure, if not with active sympathy. Their interests and wishes are on the side of the Colossus, and they will not be inclined to quarrel with it for objecting to be crushed by the little stone. The POPE has allowed himself to be drawn on to fight Prince BISMARCK on the very ground which the German Chancellor would have chosen for the battle. He has enabled his adversary to declare it "wholly unnecessary to enter into argument upon the question at issue." Even a German Catholic will ordinarily acknowledge that "when the POPE wishes that the foundations of the German Empire may be subverted, it is a work of supererogation to discuss the matter any further."

The POPE's blunder need not be set down to any profound political calculations. He had good cause to be angry with the German Government, and he expressed himself with the hasty imprudence natural to angry men. Indeed, the very form which his anger took seems to show that he has nothing definite to look forward to. When you do not see that any immediate evil is likely to befall your enemy, it is some consolation to indulge in vague predictions of future misfortunes. If the POPE had seen any prospect of aid from France or Russia, he would probably have held his tongue about little stones. Unfortunately for himself, hasty mistakes often beget leisurely repentance, and even PIUS IX. may live to wish that he had restrained his inclination to call the German Empire names. The initial error of making an enemy of Germany is not so easily accounted for. There were many reasons why the POPE should have pursued a directly opposite policy. Prince BISMARCK had until lately been ostentatiously civil to him, and had shown an equally marked contempt for the Old Catholic opposition. Ultramontanism with its exaggerated deference to authority has a certain attraction for statesmen of an autocratic turn of mind, and in the case of Prussia there was really no cause whatever why the Government and the Church should not be perfectly good friends. In Bavaria, where the Sovereign is a Catholic, and where the antagonism between the infallibilist and fallibilist elements in the Church is public and irreconcilable, there are constant occasions of quarrel; but in Prussia, where the Sovereign is a Protestant, and the Catholic population is almost entirely Ultramontane, the bishops would have been left to take their own course, and to excommunicate whomsoever they would. In other instances the POPE has not shown himself blind to the advantages of having to deal with heretical Governments. His disposition towards England, in spite of her very pronounced Protestantism, has been uniformly friendly, and if he had to name the country in which the Church is most fairly treated, he would probably fix upon Ireland. There is no reason to doubt that, if the POPE had held himself as much aloof from the internal politics of Germany as he has done from those of Great Britain, his relations with the Government would have been equally harmonious, and the position of the Catholic Church would have been even more favourable. There is much less of theological antagonism to Catholicism in Germany than there is in this country, and much less of suspicion founded on past persecution on the one side and past conspiracies on the other. This promising future the POPE deliberately resolved to cast aside. Instead of allying itself with the new Empire, as it might easily have done, instead of remaining neutral in the contest between Imperial and Particularist tendencies, as it was plainly bound to do, the Roman Catholic Church has thrown itself hotly into the struggle, and has taken the side with which to all appearance it has least in common. The explanation of this inconsistency is, that the POPE has followed the example of his predecessors in the sixteenth century, and sacrificed the interests of his Church to the necessities of his throne. The German Government would have behaved with the utmost friendliness to his spiritual subjects, but it was not prepared to give him any countenance in regaining his temporal subjects. Italy had been kept neutral during the war by the promise of a corresponding neutrality on the Roman question, and the consolidation of the German Empire is seemingly a virtual assurance that the Papal sovereignty will not be allowed to avail itself of external aid, supposing such aid should ever be forthcoming.

It is this conviction that has led the POPE to declare himself the enemy of German unity. It is not enough that the Church should be free in Germany, unless it is at the same time supreme in Italy. Excessive finesse has always been the characteristic weakness of Papal policy, and at this moment the diplomatists of the Roman Court are probably intent upon elaborate calculations as to what will happen when the German Empire has gone to pieces from internal disruption, and France is once more left free to wreak her vengeance upon the "Subalpine Government." The next POPE will perhaps have cause to wish that his predecessor had given a little more thought to the spiritual side of his office.

#### GOVERNOR EYRE.

THE Jamaica disturbances and the conduct of Governor EYRE have been discussed probably for the last time in the House of Commons. The CHANCELLOR of the EXCHEQUER and the PRIME MINISTER wisely rested the proposal of the vote for the costs of his defence on the narrow but sufficient ground that their predecessors had pledged the Crown to make the payment. It is an excellent habit to dispense with any arguments beyond those which are necessary to support a practical conclusion. Under the direction of the Duke of BUCKINGHAM, then Colonial Secretary, Mr. EYRE had been informed that his request for the discharge of the costs would be considered; and afterwards the Solicitor of the Treasury was officially desired to ascertain the amount of the demand. There could be no doubt that a formal decision had been adopted, and that Mr. EYRE had ample ground for believing that he would receive reimbursement. It is in every way undesirable that the interests either of public servants or of persons who have established pecuniary claims against the Crown should be affected by political changes. The present Government rightly declined to re-open a question which had been settled at the proper time by competent authority; and, although the House of Commons was competent to reverse the judgment of the former and the present Governments, it is usual to rely in similar cases on the judgment of the Ministerial departments. Some uncertainty had been occasioned by Mr. GLADSTONE's postponement of the vote in the last Session, at the instigation of a portion of his own party. Mr. EYRE has been exposed to unnecessary anxiety in consequence of the delay; but on the whole he may think himself fortunate. It was fitting that the vote should be moved by the Government, and adopted by the House; but it was at the same time expedient that it should not pass without debate. Some members of the minority are probably well satisfied that their remonstrances have not prevailed.

Mr. EYRE has been severely punished by the premature termination of a career which had up to the date of the unfortunate transactions in Jamaica been creditable. The additional suffering which might have been caused by pecuniary embarrassment could perhaps not be justly inflicted; and as a general rule the Government ought either to censure its subordinates at the moment, or to protect them against private litigation for their public acts. Mr. EYRE's conduct received the approval of the Colonial Secretary of the day when the facts were imperfectly known; and the censure which resulted from the inquiries of the Commissioners was not without qualification. The Association which was formed for prosecuting him repelled public sympathy by a repetition of attacks when their first legal experiments had failed; and it is well known that volunteers who undertake the duty of public prosecutors are in England commonly regarded with disfavour. The attempts to obtain a committal for murder before a country bench of magistrates, and to commence proceedings on a different set of charges in the Queen's Bench, successively failed; and finally the members of the Association had the good sense to abandon their self-imposed task. The presumption of innocence is on the side of an accused person who has never been brought to trial; and on the whole the decision of the Grand Jury was in accordance with general opinion. It is possible that the prosecution might never have been commenced but for the singular indiscretion of Mr. EYRE's friends in celebrating his arrival in England with fulsome and unmerited praise; nor can he be acquitted of indiscretion in having accepted compliments which were ill applied to a Colonial Governor who had just before been dismissed from office by his superiors.

The debate was on the whole temperate and fair, although Mr. P. A. TAYLOR exhibited his usual vehemence, and notwithstanding the attempt of one or two injudicious friends to represent Mr. EYRE as a hero and public benefactor. Fortunately for his client, Sir C. ADDERLEY failed to persuade the



House of Commons that the Government was not bound to adopt the decision of its predecessor. If a vote had been taken on the merits, it is more than doubtful whether the payment of the costs would not have been refused. Vague assertions that Mr. EYRE's vigour prevented general rebellion and massacre furnished no answer to the charge that he had instigated or permitted numerous acts of severity long after resistance had ceased, if indeed it could ever be said to have commenced. The trial and execution of his chief political opponent by a scandalously incompetent court-martial was Mr. EYRE's personal act. The capital punishments and the floggings which continued for three or four weeks after the perpetration of the first and last rebellious outrage were only rendered possible either by the connivance or by the incapacity of the Governor. Sir J. P. GRANT afterwards instituted legal proceedings, probably on sufficient grounds, against various persons who had been guilty of crime or conspiracy; but the victims of Mr. EYRE's underlings were for the most part not even tried by court-martial. It seems that the Governor was possessed by an unfounded fancy that martial law once proclaimed must remain in force for a month; but even if his theory had been conformable to law, it was not requisite to exercise the arbitrary power which is only justified by the necessity of defending the community from danger. The Jamaica Legislature, since happily extinguished with the Constitution from which it derived its title, passed a vote of immunity to the Governor. His culpability would undoubtedly have been greater if he had been seized with a panic of his own than when he merely shared the terror and anger which were universal among the white population. The opinion of the Commissioners, formed on local investigation, and the deductions of the LORD CHIEF JUSTICE from the depositions, must be considered to afford sufficient proof that the Jamaica outbreak was the result of a conspiracy, and that a formidable insurrection might have ensued if the original outbreak had remained unpunished. The case was therefore reduced to one of excessive severity, where some disregard of ordinary legal restraints had become necessary. Even the unjustifiable execution of GORDON was in one sense rendered less culpable by Mr. EYRE's belief that it was unjust to punish the dupes of a demagogue without dealing with the supposed instigator of their crimes. It is true that GORDON's agitation was but indirectly connected with the outbreak, and that he was never proved, nor even believed, to have promoted or to have approved the plan of insurrection. Between the two parties in the House of Commons' debate substantial justice was done; and it may be added that the speakers on both sides for the most part candidly admitted that there was some force in the arguments of their respective opponents. Mr. HARDY prudently declined to share the championship of the inculpated Governor with Sir C. ADDERLEY; and Mr. VERNON HARCOURT, in explaining the reasons of his vote against the grant, recognized the goodness of Mr. EYRE's intentions. Only one or two extreme partisans committed the error of treating Mr. EYRE either as a gigantic criminal or as a public benefactor. The Ministers, as represented by Mr. GLADSTONE and Mr. LOWE, were strictly neutral, although they vindicated the vote as a necessary consequence of administrative continuity.

Mr. RUSSELL GURNEY's temperate and judicial speech probably determined the vote of the House; and only Mr. P. A. TAYLOR was capable of regretting that the Recorder and his colleagues were not supported and corrected by the calm judgment of some negro coadjutor. It was in accordance with the Report of the Commission that Mr. EYRE was dismissed from office; and Mr. RUSSELL GURNEY's statement fully justified the recommendation in which he had concurred. On the other hand, the Commissioners satisfied themselves that the danger to public order had not been imaginary; and they seem to have held that the earlier measures adopted by the Governor were justifiable, though they may have been irregular. As Chief Justice COCKBURN afterwards explained, martial law, except in the limited sense in which it is sanctioned by the Mutiny Acts, is unknown to English jurisprudence. A Governor of a colony, like any other guardian of the peace, is bound to repel force by force, and to take measures against anticipated breakers of the law; but there is nothing in England or in English colonies corresponding to a state of siege. The right of hanging or of flogging rebels is analogous to the right of shooting a burglar who is in the act of robbing a house. As soon as the immediate danger is over the worst criminal is entitled to the safeguards of the regular process of law. The Commissioners approved of the temporary suspension of law; but they were convinced that the term of anarchy or of despotism had been unreasonably prolonged,

and that in the meantime the powers assumed by the local Government had been extravagantly abused by some of its officers.

In the Jamaica disturbances, and in the more recent case of the Kooka executions, there has been a salutary reaction against the old-fashioned doctrine that the rebellion of subject races ought to be punished with extravagant severity. The promiscuous application of capital, or even of corporal, punishment is a proof not of vigour, but of liability to panic. When an insurrection has been prevented or suppressed, it is inexpedient to display extraordinary excitement. Natives of Eastern and Western dependencies are fully capable of appreciating the calmness which indicates conscious power and security. The more or less disloyal men of colour who fled from the troops and police in Jamaica may probably have imagined that there must somewhere be an enemy against whom active military operations were directed. If the disaffected faction had been a little bolder, it would have been encouraged by a display of force which was entirely disproportionate to any visible opposition. There is reason to hope that during the administration of the present Governor many ancient causes of dissension have been removed or forgotten. In Jamaica alone among English colonies the tide of constitutional government has turned, and it has been discovered that two alien races cannot be safely or justly governed through the medium of a common representation. The negroes resented the supremacy of an Assembly in which the influence of the white inhabitants was predominant; and, on the other hand, the superior race naturally dreaded the consequences which might have followed the extension of the suffrage. Under the reign of common sense and justice the prosperity of Jamaica is at last reviving, and the colony is, according to the proverb, happy which contributes nothing to history.

#### THE BALLOT BILL.

THE majority of the House of Lords was wiser than its leaders, and refused to provoke a crisis on the untenable ground of the optional Ballot Bill. Whether the Duke of RICHMOND foresaw the result, or whether he really wished to take his stand on the success of his extraordinary scheme, he must be very well pleased at the result, for he has at once avoided a collision and seemed willing to undergo risk in order to defend his opinions. Neither he nor any of his friends had anything to urge in behalf of a proposal which, outside a small Conservative circle, had no supporters. He had nothing better to say for it than that Mr. FORSTER two years ago preferred an optional to a compulsory ballot for the election of School Boards. There is scarcely any similarity between the two cases, and if there were, it would not be wise to repeat a mistake simply because that mistake had been committed two years ago. But the Duke of RICHMOND naturally omitted to refer in any way to the explanation which Mr. FORSTER offered a few days ago of his conduct in 1870. Mr. FORSTER said that the Government did not wish in dealing with School Boards to prejudice the question of the Ballot as applied to Parliamentary elections. To have insisted on a real ballot for the School Boards would have been to fight the whole battle of the Ballot at that time, and so to make the passing of the Education Bill impossible. The optional Ballot is totally different from the real Ballot. It is merely a means of facilitating the voting of a certain number of the electors, and cannot in any way check intimidation or bribery. The whole purpose of the Parliamentary Ballot Bill is to check intimidation and bribery, and it is not meant to provide merely a comfortable machinery for voting. Unless there is probable ground for supposing that it will check intimidation and bribery, there is no good in it at all, and the Lords ought to have rejected it on the second reading. To permit the second reading and then to substitute a scheme which would have left intimidation and bribery exactly where they were, was a thoroughly unstatesmanlike step, and the Conservatives are very much to be congratulated on a result which will allow their discreditable blunder to be very soon forgotten. Lord PENZANCE even showed with much ingenuity how the optional Ballot might be made actually to increase bribery. A man who is inclined to sell himself may still have some shame left, and may not care to incur among his friends and neighbours the odium of having undergone a sudden and suspicious change of opinion. This restraint operates under the present system of open voting, and under the compulsory Ballot the agents will not know how the man votes, and therefore, according to the expectations of believers in the Ballot, will not buy him. But under the optional Ballot the voter was

to be at liberty, not only to vote as he does now, but to vote by Ballot, showing his voting-paper to the agent. The elector who had taken a bribe might therefore proclaim to all his circle that he was as staunch as ever to his party, then vote the other way, show his vote to the agent only, and so make sure of his money, while he continued to enjoy the reputation of having behaved honourably. Such was the system by which the Conservative leaders affected to be willing to abide, and rather than give up which they were, or seemed to be, ready to make the Government resign or dissolve Parliament.

The Peers were, however, justified in resenting the imputation made on them in the Commons, that they had got through their amendments too quickly, had not debated the Bill enough, and showed by this quick despatch of the subject that they might have easily passed the Bill last year. Nothing could do the Peers more harm than that they should have long, vehement, and apparently earnest debates, when they know, and all the world knows that they know, that the talk is all hollow, and uttered for effect only. The Conservative leaders had to decide whether they would oppose the second reading or not. On grounds of expediency they decided, and most people think they wisely decided, not to oppose the second reading. They had therefore nothing more to do on the occasion of the second reading than to record their disapprobation of the Bill, to state why they permitted it to be read a second time, and to let peers like Lord SHAFTESBURY, who have strong feelings and no political responsibility, have their say. When they got into Committee they had to propose and carry amendments, many of which had already been sufficiently discussed in the House of Commons. They drew up a list of points on which they required the Commons to reconsider their judgment or pass a decision. Their mistake was not that they had their amendments ready and passed them quickly, for this was only a useful saving of public time, but that amongst these amendments they inserted one which substituted a rival Bill for that which they were engaged in discussing. Nor could they have done at the fag end of last Session what they have been doing now. They have now made their amendments at a period of the Session when there has been plenty of time to discuss them, and three weeks will probably have elapsed between the adoption of the amendments and the final shaping of the Bill. If the Conservative leaders wished to make such an amendment as that of the optional Ballot, it is far better for the Government and the country that it should have been rejected after full consideration, and at a time when it is possible to get together a full House, than that it should have seemed to have been swept away unfairly by the pressure of a tiny knot of officials who stay on until the middle of August because they are allowed no choice. The Ballot Bill this Session has been fairly and fully discussed and voted on by both Houses, and the country is now in a position to try the experiment under satisfactory circumstances. The Bill is not of course perfect. No Bill so much debated and so freely pulled about was likely to be perfect. But it does provide for a Ballot which will test whether the Ballot is a good thing. It is sufficiently compulsory and not too harshly penal. The ignorance of its contents displayed by many peers, even among those of high standing and long political experience, was astonishing. Lord RUSSELL showed that he knew no more of the provisions of a Bill which he violently attacked than if it had been composed in Chinese. He seemed to think that if a voter were asked to vote for such men as Sir SAMUEL ROMILLY or Mr. WILBERFORCE, and promised to vote for them, he might at once be imprisoned, and that a Middlesex elector who had voted for Lord ENFIELD, and said he had so voted, might also be imprisoned. It is scarcely necessary to say that every elector will, after the Bill is passed, be as entirely at liberty to say before he votes for whom he is going to vote, and to say after he has voted for whom he has given his vote, as he is now. All that he will not be at liberty to do is to show to any one at the time of voting how he has voted. There is no distinct penalty imposed by the Bill on his showing this; but the Bill distinctly directs him not to do it, the prescribed course of his proceedings will make it very difficult for him to do it, and any agent who induced him to do it would be liable to very severe punishment. If he conspired with the agent to show his voting-paper for corrupt purposes he would be liable to be indicted at common law. The result in all probability will be that electors will not be able to show their voting-papers so as to make bribery or intimidation possible through the disclosure; and if this is the case, the Ballot will have a fair trial.

To try the Ballot, which must in any case be a cumbersome and painful experiment, and not to try it fairly, would

be quite unworthy of Parliament; but, as Lord GREY pointed out, the Lords had a special reason for desiring to avoid the reproach that the experiment they were permitting was not to be made so as really to test its value. They intended to insist that the experiment should be treated avowedly as an experiment, and that the Act should only be in force for eight years. Unless during these eight years the Ballot was a real Ballot, the time would be spent, not in testing the working of the Ballot, but in agitating that the Ballot might one day be really tested. The balance of argument preponderates, we think, in favour of treating the Ballot openly as an experiment. It is indeed impossible to follow the argument of those who are pleased to assert that, if a vote could be taken, the majority of all the electors in the kingdom would be against having the Ballot at all. Any one can say this if he chooses as to any subject of political discussion. It is a mere assertion, and no one can test it. All that we know is that a majority of the constituencies has tacitly sanctioned a majority of the House of Commons in passing the Bill, and the Opposition did not think fit to challenge the opinion of the constituencies by rejecting the second reading of the Bill in the Lords. The only reason for treating the Ballot as an experiment is because it is an experiment. In one sense all new legislation is an experiment; but the Ballot is an experiment in the special sense that it is confessedly an evil designed to remove a greater evil, while no one can pretend to say in the least how it will work. Up to a certain point it may be said that its very success will make it unnecessary. It being assumed that open voting is in itself the right mode of voting, which is a point virtually conceded by all speakers in both Houses, but that open voting is made pernicious by abuses for which secret voting is the remedy, possibly efficacious, but certainly disagreeable, it follows that, if the abuses are taken away by secret voting, we may return some day without harm to open voting. In one respect this might easily be the case. Any one who will turn to the history of the Ballot in the present Parliament will find that the first serious call for it was occasioned mainly, not by bribery or the intimidation of landlords or of Trades Unions, but by the frightful lawlessness and mob violence which had disgraced many constituencies in the elections of 1868. A change in the manner of voting which might enable a man to vote in peace, and quiet people to stay at home without fear of injury to life or property, seemed worth having at any price. Scenes of violence are soon forgotten, and the impression made by the riots at the time of the last elections has to a great degree faded away. But while they were fresh in the minds of those who suffered from them, they prompted more than anything else the demand for the Ballot. There is every reason to expect that the Ballot will have an excellent effect in this direction. It will largely tend to make elections orderly, and the process of voting safe, if uninteresting. Possibly the result might have been arrived at in another way, and it may not have been necessary to have recourse to the Ballot in order to put down electioneering mobs. Still, as the Ballot has been adopted, the consequence of its being in operation on which it is easiest to rely with confidence is that of making the process of voting safe and tame. In the course of a few years the notion that law and order are to be wholly disregarded at election time may have almost died out, and then one considerable drawback to the system of open voting will have been removed.

#### M. THIERS AND MARSHAL MACMAHON.

AS the Conservatives in the French Assembly seem to have thought better of their designs against M. THIERS, it is not likely that anything more will be known as to what it was that they really intended. In one version of the story their conduct is described as being of the most innocent kind possible. They had taken M. THIERS's threats in their obvious and legitimate sense. He had told them again and again that if he found himself at issue with the majority of the Assembly upon any important question he should have no choice but to resign office. He had been at no pains to conceal the fact that there were several important questions upon which he expected to be at issue with the majority of the Assembly. The natural conclusion from these premises was that at any moment France might find herself without a President. It became the duty, therefore, of every lover of order to take thought for this uncomfortable morrow. The country could not go on without a Government of some sort, and unless the Conservatives did something to help themselves, they might find the Government to which Heaven helped them exceedingly distasteful.



It was this conviction that led them to take counsel with Marshal MACMAHON. So long as M. THIERS would consent to rule them, they would bow to his authority; but if he chose to talk of laying down his office, it was only reasonable that they should think about finding a successor. The other form of the story presents the action of the Conservatives in a very different light. They appear no longer as virtuous citizens taking counsel for their country's good. They are conspirators secretly scheming to overthrow the Republic, and determined to drive M. THIERS from power because he has refused to have any part in their designs. To men of this temper a *coup d'état* is the most natural method of compassing their end, and a *coup d'état* requires a general and an army. The man whom circumstances seemed to point out as best able to secure them these essentials was Marshal MACMAHON, and the simplest way to enlist Marshal MACMAHON on their side was to offer to make him President. They might make what professions they pleased of their intention of only falling back on this expedient in the event of being deserted by M. THIERS, but they would not have settled the details of their action with so much minuteness unless they were prepared to force M. THIERS to desert them. Notwithstanding their complaints of the personal character of his Government, what they really desired was a more personal Government still. They might hardly care whether Marshal MACMAHON restored the Empire, or the Monarchy by right divine, or the Monarchy by popular election; but they did care that he should restore something. The Marshal was sounded, and was found to be not indisposed for the part assigned to him. To what lengths the conspirators had agreed to go, or in what way the plot was to be worked out, has not been stated with any confidence. It was not necessary to be precise on these heads to give verisimilitude to the story. M. THIERS is easily provoked, and when provoked is certain to resort to his favourite menace. He would only have to be taunted into resigning office, and then be taken at his word, to give them all the opportunity they needed.

As regards the actual facts, it is probable that the first of these versions is nearer the truth than the second. The theory of a formal conspiracy may perhaps not exaggerate the hatred which the Right feel towards M. THIERS, but to all appearance it decidedly exaggerates their courage in giving effect to it. They can hardly fail to know that to depose M. THIERS—and to omit to ask him to reconsider his resignation would in effect amount to a deposition—would be to give the signal for a renewal of strife which might at any moment develop into actual warfare. There may be a few men among them of more than common impetuosity who would welcome such a result as at all events better than the existing compromise. They may argue that to sit still now is to see the Republic consolidated, and that to overthrow it when once it has been set up will be a yet harder work than to fight in order to prevent its being set up. If it be once granted that to promote the establishment of monarchies at all times and in all places is the chief end of man, there is much to be said for this reasoning. It cannot be denied that the Republic stands a much better chance of being permanent—as Frenchmen count permanence—than it did twelve months ago. M. THIERS has governed France during the interval with great adroitness, and upon the whole with great success, and each of M. THIERS's triumphs has been a fresh score on the side of the Republic. At first no one quite knew how far his professions of faith in the Government that divides Frenchmen least were really genuine. The Left half suspected him of plotting an Orleanist restoration; the Right were disposed to accept his anti-monarchical speeches as designed to wrap up monarchical intentions to be disclosed when the times were ripe for their publication. There is no room for any such uncertainty now. Whatever may be M. THIERS's secret impressions as to the constitutional future, his views as to the constitutional present have become perfectly clear. So long as he lives and governs France will continue a Republic. But whatever the fanatics of the Right may hold as to the wisdom of drawing the sword without further delay, this is obviously not the doctrine of any considerable section of French Conservatism. The majority would like perhaps to overthrow M. THIERS before he has had time to do any more mischief, but they are not prepared to overthrow him unless they can convince themselves that he and everybody else will take the overthrow quietly. There is no possibility, as things stand at present, of their arriving at any such assurance. M. THIERS might not be inclined to show much fight on his own behalf, but there are others who might be disposed to fight for him, with a view perhaps of conciliating some support from the moderate Conservatives by a

judicious use of his name. The appointment of Marshal MACMAHON as President by an Assembly which has no present claim to represent the country would be almost as declared an outrage on Republican principles as the recall of NAPOLEON III. or the restoration of HENRY V. The form of a Republic might remain, but the substance of a Republic would be gone. It is not probable that M. GAMBETTA would submit to a *coup d'état* of this kind; and until the trial has been made, no one quite knows what amount of influence M. GAMBETTA can bring to bear upon the army. Marshal MACMAHON is popular with the soldiery, but the names which are associated with the most honourable incidents of the war are those of General CHANZY and General FAIDHERBE, who in their several fashions are both Republicans. It is at least possible therefore that the only result of placing Marshal MACMAHON at the head of affairs would be to destroy the apparent unity which for the time makes the French army a power on the Conservative side. The deputies of the majority are sharp enough to make these calculations for themselves, and cautious enough not to wish to verify them by any imprudent act of their own.

It is not surprising to hear that the last move of the Conservatives has been to attempt the formation of a new party which shall be composed of members of the Right and Left Centres and shall accept the recognition of the Republic as a condition of its existence. The statement may be true or false as regards particulars, but there can be little doubt that it is a true representation of the feelings of the majority. They have found out, not for the first time, that for the present their strength is to sit still, and they feel so much compromised by the talk of their more extreme members that they are anxious to weed their ranks of such violent and unmanageable allies. The easiest way of doing this is to construct a new party. The Will-o'-the-wisp which has brought them into their present difficulty is the wish to see a homogenous majority where in reality there has been none to see. They were misled by the notion that they could construct a strong Parliamentary party which should be at once a check upon the Government and upon their own unruly allies. They have now discovered that an organization of this kind is an impossibility. A French Conservative cannot hold himself equally aloof from the Government and from the extreme Right. A Parliamentary majority can only be constructed by the aid of one or other element. To ally themselves with the extreme Right would entail consequences of the utmost gravity. To ally themselves with M. THIERS will at all events leave matters where they are. The National party, if it is ever reduced into shape, will develop no new policy; it will be content to play the same useful, though undistinguished, part that the majority has played all along, except during the interval when it has allowed itself to be led astray by men of pronounced monarchical tendencies. It will give the same grudging but effective support to M. THIERS; it will show the same external acquiescence in the establishment of the Republic, and feel the same secret irritation at the consequences of its own conduct. The upshot of all the rumours that have been flying about for the last fortnight seems to be, that the relations between the Government and the Assembly will, in all essential respects, return to what they were before the interview of the Right with M. THIERS.

#### CONSULAR JURISDICTION IN EGYPT.

IT is well that the House of Commons should at suitable intervals be reminded of the anomalous relations which exist between Eastern Governments and the European communities within their borders. Egyptian Viceroys and Ministers, having attained more than a smattering of modern civilization, naturally chafe at the restraints which are imposed by foreign jealousy on their domestic administration. Not only merchants and capitalists whose enterprise adds greatly to the prosperity of the country, but miscellaneous adventurers of all nations enjoy exemption from the ordinary jurisdiction. The cession of the Ionian Islands to Greece has happily relieved the English Consulate from the troublesome duty of protecting many unscrupulous vagabonds both in Egypt and in Turkey; but a shifty Greek in trouble often discovers that by some unexplained process he has become a subject of France or of Russia. As the Egyptian Government cannot afford to offend any of its powerful patrons, its remonstrances would probably remain without effect but for the incidental inconvenience which is felt by Europeans from the conflict of privileges among themselves. Mr. BAILLIE COCHRANE, who introduced the subject into the House of Commons, mentioned a duplicate litigation in Egypt between

a Belgian and a Frenchman which proceeded simultaneously before their respective Consuls. Either functionary decided in favour of his countryman, and it may be supposed that the plaintiff was practically defeated. A petty fraud in a bazaar perpetrated at the expense of Mr. COCHRANE himself might have found a precedent in cities more civilized than Cairo. In Switzerland, where there are no capitulations or foreign jurisdictions, travellers find that the local tribunals always decide against the unhappy victims of indigenous landlords or drivers. The petty grievances of tourists would hardly deserve either Parliamentary discussion or diplomatic intervention; but Egypt is, as Mr. COCHRANE truly stated, an important centre of commerce; and the facilities of trade are directly affected by the uncertainty of the law and by all impediments which disturb the regularity of administration. Although it is necessary that the lives and property of foreign visitors and residents should be protected, there is little danger of their being subjected to exceptional injustice. For more than one generation the local rulers have employed the services of European agents in almost every public department. At this moment the KHEDIVE's chief engineer is an Englishman, and an expedition under an English commander is, with the professed object of checking the slave trade, engaged in extending the Egyptian dominion along the upper valley of the Nile. Experience has shown the error which was committed when the construction and management of the Suez Canal were allowed to fall into the hands of French capitalists. To the surprise and disappointment of the countries bordering on the Mediterranean, the Canal is principally used by English shipping, and it would have been desirable that the interests of its owners should have been more closely identified with the prosperity of trade. It may be confidently asserted that unless the predominant interest in the Canal eventually becomes English the maintenance and gradual improvement of the undertaking will not be effectually assured.

The rivalry which prevailed in Egypt between England and France from the days of MEHEMET ALI to a recent period has fortunately in some degree abated. It is not likely that during the present generation France will attempt foreign conquests; and the pacific and unambitious policy of England is now generally recognized on the Continent. The Power which was two or three generations ago most actively engaged in acquiring new possessions in all parts of the world has since been the first to discover that markets are more cheaply secured by the simple process of buying and selling than by conquest. As long as the Empire includes the requisite number of ports and coaling stations at convenient distances, the multiplication of dependencies only involves useless cost and danger. Although it is probable that an English Viceroy would govern Egypt better than the Mahometan descendant of an Albanian adventurer, the advantage would accrue principally to the natives, while the possession of the province would provoke universal envy and occasional hostility. The Emperor NICHOLAS, when he offered Egypt to England as her share in the spoils of the Turkish Empire, was probably well aware that the acceptance of his proposal would have secured him the incidental advantage of a lasting quarrel between England and France. It is much better that French and English merchants should make money, while the Khedive more or less efficiently keeps the peace among the native population. An ostensibly Mahometan Government has many facilities for dealing with Arabs and African savages, although its conduct may not always strictly conform to the European standard of morality. The ambiguous position of a ruler who is not yet absolutely sovereign facilitates the exercise of foreign influence. English statesmen have consistently opposed the separation of Egypt from Turkey; but they would not less resolutely resist any attempt to reduce Egypt to the condition of an ordinary Turkish province. It is convenient that the country should be neutral, and that its fortunes should be as far as possible independent of political complications. The attempt in which M. THIERS failed, two-and-thirty years ago, to create an Egyptian kingdom under the patronage of France, was at the time ill-judged; and it is not likely to be renewed. It is not improbable that commercial residents in half-civilized regions may tend more and more to form themselves into extra-territorial communities on the model of the little republics which have been organized in some of the ports in the further East. In China and Japan even Americans cease to vex Englishmen, and Calvinist missionaries openly disapprove of the massacre of Roman Catholic priests and nuns. The necessity of associating for mutual protection is far less urgent in Egypt than in China; but traders from all parts of Christendom have in all Eastern countries many interests in common.

The anarchy which results from the present system of consular jurisdiction is universally acknowledged; and some approximation has been made to an understanding on the subject between the French and English Governments. The simple remedy of rendering Europeans amenable to the ordinary Egyptian tribunals is wholly inadmissible. It might be well that summary justice should be executed on some of the discreditable adventurers who crowd to Alexandria and Cairo from the coasts of the Levant; but it would be intolerable that English, French, or American traders and visitors should be placed at the mercy of a Cadi whose notions of justice probably correspond with those of his predecessors as recorded in the *Arabian Nights*. It seems to have been proposed that civil and criminal cases in which foreigners are concerned shall be submitted to a mixed Court of Egyptian and foreign judges. It may perhaps be right that the local authorities should enjoy an ostensible right of jurisdiction, as the Lord Mayor and Aldermen assert the municipal independence of the City of London by sitting at the Old Bailey beside the Judges who exclusively administer justice. On the other hand, it is indispensable that through a majority or by some other contrivance the European members of the tribunal should retain the virtual management of the proceedings. The difficulties of constituting a tribunal of judges accustomed to different systems of law would be overcome by the exercise of ordinary discretion and forbearance. French and English judges would soon learn to understand one another; but Oriental and European doctrines would be found practically irreconcilable. It is conceivable that, although Mahometans seem incapable of being converted to Christianity, the spectacle of Courts administering civilized justice may gradually influence native habits of thought and practice. Unlike the Turks of the European provinces, the mixed population of Egypt has been accustomed to regard the foreign residents as a kind of alien aristocracy. The dominant race are themselves few in number, and the peasantry is not sufficiently advanced in cultivation to be affected by political prejudices. The ambitious designs of MEHEMET and IBRAHIM to found an Imperial dynasty of their own are wholly obsolete. One or two of their successors adopted the opposite policy of seeking a closer connexion with the sovereign Power at Constantinople, and the Porte has on more than one occasion relied on Egyptian forces for the suppression of internal rebellion. The present VICEROY has sometimes been suspected of intending, at the instigation of Russia, to assert his independence; but, if necessary, the influence of England and France would always be effectually used to maintain the existing neutrality. The resident Consuls necessarily exercise diplomatic functions under the general control of the Ambassadors at Constantinople, but the KHEDIVE has not established the right of being represented by Envoys at European Courts. His rank corresponds to that of the great feudal vassals in the middle ages, and he would lose in security more than he would gain in dignity by exchanging his hereditary Viceroyalty for a precarious crown. If he desired to emancipate himself from the tutelage of European Powers, the existence of the Suez Canal, which may perhaps add largely to the prosperity of his dominions, would alone suffice to disappoint his hopes. The French projectors of the scheme may confidently rely on the support of their own Government against any local interference with their rights, and England will never consent that the highway to India should be controlled by any independent Power. The grosser anomalies which result from the claims of European residents to immunity will be gradually redressed, but any Government which may rule in Egypt must be prepared to acquiesce in many infringements of its nominal sovereignty. At present the mode of government suits all parties better than any alternative which could be suggested, although no politician would have deliberately invented the plan of an hereditary Viceroyalty.

#### THE LICENSING BILL.

THE Licensing Bill has reached the House of Commons. It is a Bill of moderate scope. It aims at improvement of the licensing authority, and strengthening the police regulations, and that is about all. As regards the former object, all reasonable persons agree in desiring to attain it. As regards the latter, the principal question is as to the hour of closing public-houses, and that must be decided by the balance of convenience, ascertained in the best practicable way. Mr. BRUCE says that he has received strong testimony that every advancing hour of the night brings with it an increasing



ratio of drunkenness. On the other hand, it is clear that any important reduction in the number of hours must be attended in large towns with such considerable exceptions as greatly to impair the value of the rule. The case of persons employed in theatres has been lately brought under attention; and it is clear that any public-house in the vicinity of a theatre, and accustomed to supply its wants, would be entitled to a dispensation from any early-closing rule. The case of attendants at early markets would be equally strong for exemption from any regulation of late opening. It may perhaps be the best way of dealing with this question to remit it for consideration by the magistrates of districts, who are necessarily acquainted with the habits and requirements of the population amid which they live. A system of special exemption from ordinary rules has the advantage that the authority conferring a privilege may impose conditions on its exercise. There is a difference easily understood, but difficult to express in words, in the manner of conducting public-houses; and it might be possible for magistrates to require that those who enjoy special advantages should do something to deserve them. At any rate, it appears that if Parliament narrows the hours considerably, it must lodge somewhere a power of relaxing its own rules. It is remarkable that the demand for restriction is now preferred with increased urgency on the ground that hours of labour are being shortened and wages are being increased in many trades, and that the time and money thus placed at the workman's disposal will be spent at the public-house. This argument, however, proves rather too much; for if a man has money and desire he will contrive to use the one to gratify the other. If he cannot drink beer in company, he will drink gin at home; or, in other words, he will transfer his custom from the publican to the grocer. It has been thought right that the provision as to closing, whatever it be, should apply to grocers as well as publicans; but obviously a man who habitually drinks gin will take care to supply himself within the hours of business. A grocer's shop is open, we will say, for thirteen hours consistently with the sobriety of the neighbourhood; but if that shop is open another hour, the temptation to drunkenness becomes irresistible. When the discussion has got as far as this, we begin to feel that it is necessary to have recourse to common sense. The publicans may reasonably complain if the grocers' hours of selling exceed their own, and equality in this respect between the two branches of the liquor trade can do no harm. This remark applies equally to any provisions against adulteration. Mr. BRUCE says that a recent examination of liquor sold in London failed to furnish a justification for the sweeping complaints commonly made of adulteration. On the other hand, it is said to be impossible to procure a glass of good, pure, and wholesome beer in any public-house, and the adulteration of gin is declared to be one of the most serious evils that call for remedy. It would be desirable, and apparently not impracticable, to discover the truth upon this branch of the subject. Let trustworthy examinations be made of samples of beer and gin purchased at various retail houses, and let the results be published. It has been lately stated in a Parliamentary paper that much harm beyond simple drunkenness is caused by the deleterious ingredients of what is commonly called gin. It may be that the "gin spinners" are unjustly accused, but at any rate it would be satisfactory to have their justification, if it be forthcoming.

Sir WILFRID LAWSON has at last said something worth quotation. According to him the grocers accuse the publicans of making all the men drunk, and the publicans accuse the grocers of making all the women drunk. He would draw the inference that both publicans and grocers ought to be prohibited, and having thus passed beyond the utmost limit of practical legislation we must decline to follow him. He was enthusiastically cheered at a recent meeting of his supporters at Exeter Hall. The supporters of the Permissive Bill assure us that they are entirely satisfied with its present position, and on this point we have the happiness to agree with them. It strikes us, however, that their leader must be rather at a loss for a new argument when he takes up the long hours of public-house business as a grievance to potmen and barmaids. There is a Bill before the House of Commons to prevent women from working in certain trades more than fifty-four hours a week, and Sir WILFRID LAWSON desires that this Bill should extend to barmaids. We are by no means sure that the young ladies in fashionable attire who preside over bottles and glasses would thank him for his interference. It may be, however, that he is prepared to prove that it is impossible for any woman to dart stimulating glances and exchange effective "chaff"

with customers for more than nine hours daily. But even if he had got as far as this, the publican might answer that his business was so good that he could afford to keep two barmaids. When any genuine complaint is produced from this class of women that they are overworked the House of Commons will doubtless respectfully entertain it. In the meanwhile we shall take leave to think that the remedy for their wrongs, if they have any, is in their own hands. Few publicans would be so blind to their own interest as to keep a woman with a grievance behind their bars. The work they have to do, unless it be done willingly, had better not be done at all.

The agitators sometimes represent themselves as engaged in educating the people, and if they really would do this instead of merely talking about it, they would have our entire sympathy in their efforts. If they would address themselves to the men who are earning more money in less time than they used to do, and would try to awaken in them the feelings of rational humanity, which by current supposition are altogether wanting, they would almost certainly do good, and at any rate they would do no harm. If they spent 100,000*l.* in maintaining an army of preachers of temperance, nobody would complain. Indeed, we should not greatly complain if they spent that amount in agitating for their favourite Bill, inasmuch as they are certain not to carry it. They are in fact undergoing the process of extinguishment. Mr. BRUCE will accept whatever amendments a majority requires in his Bill, and when the Bill has passed, the question will be done with for some time. When once it is seen that nothing beyond regulating the liquor traffic is possible, the discussion resolves itself into matters of detail, which can best be settled in Committee. Perhaps the most useful work that any journalist could perform in reference to this subject is to urge magistrates to make themselves thoroughly acquainted with the law of licensing, and with the condition and wants of their neighbourhood, so that the experience of the next few years may show that they deserve the confidence which Parliament still reposes in them. The agitation for what is called popular control will die away when it is seen that things are well managed by those who now hold power. As regards the law, which is now distressingly complicated, we may hope that next year it will be reduced into one or more tolerably intelligible statutes. As regards practice under the law, the Licensing Boards for counties and boroughs, with some supervision from the Home Office, may gradually arrive at something like uniformity. The utmost, however, that can be hoped from the combined efforts of Legislature and Executive is, that public-houses shall be well conducted and not too numerous. Any proposal for direct restriction is open to obvious objections which have not yet been answered. But the same result may be obtained indirectly to an adequate extent, because it is certain that if public-houses are to be well conducted there must be some limit to their number. If, however, experience proves anything, it is this—that if the open trade in liquor be unduly checked, an illicit trade is sure to flourish. Magistrates who are popular in their districts can generally find out much beyond that which policemen report to them; and this is a point well worthy of their particular attention. They should endeavour so to apply the law as to produce the least amount, not only of apparent, but of real evil. One speaker in the House of Commons complained that the Bill as it has been brought in would leave the licensed victuallers in full possession of their monopoly. It is true that if the Bill passes the licensed victuallers will be relieved, if they conduct themselves prudently, from any alarm as to the security of their property for some years to come. The discussion of the last two years will have made that clear to many which a few saw at first—that prohibition is impossible; but regulation, if not carried too far, is desirable alike for customers and dealers. As soon as this has become clear to the minds of the bishops and clergy who have hitherto lent themselves to agitation, it may be hoped that they will return to their more immediate and pressing duty. When a Roman Catholic Archbishop appears among the supporters of the Permissive Bill, one is almost tempted to ask whether the system of religion and morality which he inculcates is believed by him to be an efficient restraint upon human appetite. If it is, he had better trust to it; and if it is not, he may be sure that no possible legislation will attain the desired end. After all, we find ourselves in substantial agreement with Sir WILFRID LAWSON. Educate people to temperance, and they will be temperate.

THE PROPORTIONAL REPRESENTATION  
CROTCHET.

MR. MORRISON'S Proportional Representation Bill will perhaps supply some hints for a new game to amuse weary guests at country houses during the dull evenings of the ensuing autumn. Anybody who finds the arithmetic of *bézique* too easy or whist not sufficiently scientific will be charmed with Proportional Representation. If it were got up nicely, with pretty cards in a gay box adorned with portraits of Mr. HARE, Mr. MILL, and Mr. MORRISON, and with rules in rhyme, it would be sure to take. The fun of the game consists in its elaborate mystifications and amusing surprises. As many members are to be assigned to each constituency as the constituency contains "entire multiples of the quotient"—the quotient being the population of the whole country, divided by the number of members—and any existing borough which has a population exceeding or equalling "three multiples of the quotient" is to be reckoned a separate constituency. Boroughs and counties are to be mixed up with each other for voting purposes, but are to retain separate franchises. The country is to be divided into some seventy or eighty constituencies, and there is to be a general hotchpot of members for each district. Every candidate who obtains a certain proportion of votes will be at once returned. If a candidate has more votes than are necessary to secure his election, his surplus votes will go to the candidate who stands next on the list, and if any remain to the third, and so on till they are all exhausted. If after this process there are any candidates who have still not obtained a sufficient number of votes to be elected, the candidate who has the least number of votes will have to surrender his stock for distribution amongst more favoured, but not fully qualified, competitors. It is supposed that in this way every vote will tell, and that the opinion of the constituencies will be gauged with mathematical accuracy. There is another old-fashioned parlour game which nearly approaches to this. It is called Question and Answer, because a person outside a room is required to answer categorically Yes or No at hazard to questions which have been privately arranged, but have not been communicated to him. The amazement of the person who has given the answers when he learns what they imply is often very diverting. It is difficult, however, to imagine anything more ludicrous than the surprise, disappointment, and disgust which would be generally felt throughout the country at the startling results of the first elections conducted on the Proportional system. The voting would, of course, be very much at random. There are certain names which would attract foolish or fanatical persons in all parts of a district, and the consent of an imbecile minority would outweigh the discriminating votes of a majority of intelligent people who happened to have distributed their votes among a number of equally eligible candidates. If it were worth while to revolutionize our electoral system in order to secure the return of the TICHBORNE Claimant, it would be difficult to devise a more effectual scheme than that of Mr. HARE, which has been reproduced in a modified form in Mr. MORRISON'S Bill. Mr. MORRISON himself admits that the effect of the measure would probably be to introduce into the House of Commons the representation of crotchets; but he appears to be of opinion that this would be a beneficial result, and that crotchets would find a natural home in that Assembly. Everything, he said, that is new in politics and social philosophy is called a crotchet until it comes to be accepted by a substantial minority. A good deal of nonsense is often talked about the House of Commons being an exact microcosm or mirror of the country. It is quite impossible that it could ever be anything of the kind. In order to produce such a result it would be necessary to have members with infinitesimal fractions of votes corresponding to the comparative insignificance of the parties who had returned them. In point of fact, the House of Commons is only a rough and ready representation of the more weighty elements of public opinion. It is neither desirable nor practicable that the opinions of every petty clique or sect should be represented by voting power in Parliament, and it is time enough for a crotchet to make its way there when it has at its back a substantial minority capable of influencing an election.

It is difficult to imagine a more fantastic or inconsistent measure than the Proportional Representation Bill in the form in which twenty-six members of the House of Commons were reckless enough to vote for it on Wednesday. It was admitted that the Bill could not be applied exclusively to England; that it would be impossible to work it without an assimilation of the borough and county

franchises; and, further, that it would work satisfactorily only with household suffrage. Under these circumstances it would have been natural and reasonable to include in the Bill all the provisions which were essential to its practical success. Mr. MORRISON is indignant that national interests should ever be sacrificed to party interests, and he assures us that his only object is to obtain an exact representation of the opinion of the nation in all its aspects. We are bound of course to believe him when he says that it is only for the sake of simplicity that he refrained from proposing that Forty-shilling Freeholders in boroughs should cease to vote for counties, and we presume it was for the same reason that he provided for swamping the counties still further with borough votes. It may be a remarkable circumstance that in three different countries, in the United States, in Denmark, and in England, three different inquirers, without concert, should have hit upon this wonderful scheme of Proportional Representation; but this is hardly in itself a sufficient ground for recommending the adoption of a bewildering and mischievous novelty in electoral procedure. It is perhaps significant that, whereas a few years ago the United States was the model country of Radical reformers, which corrupt and decrepit England was urged to imitate as far as she could, the United States are now usually held up as a dreadful example to be carefully avoided. A considerable part of Mr. MORRISON'S speech was taken up with showing the injurious operation of American caucuses and wire-pullers. There is undoubtedly a great deal of force in his objections to the system of equal electoral districts, as being destitute of local pride, and subject to the arbitrary manipulation of party managers. The caucus system practically deprives electors, as Mr. MORRISON said, of all freedom of choice in selecting their own candidates, while it confers enormous power on a small and irresponsible clique of wire-pullers who are able to dictate the choice of the constituency, and who may be crotchety, fanatical, or corrupt. Mr. MORRISON, however, appears to have overlooked the fact that the helplessness of electors and the power of wire-pullers would be infinitely greater under the system of Proportional Representation than under that of equal electoral districts; in fact the former would include all the evils of the latter with a large addition of evils peculiar to itself. At first the fanatics and crotchet-mongers would probably have the best of it, but caucuses and managers would soon come into play. The promiscuous multitude of one of the agglomerated constituencies, scattered over a vast area and composed of the most diverse and perhaps antagonistic elements, would be utterly bewildered when called upon to make out a list of candidates in the order of preference. It would be natural to seek advice, and still more natural that advice should be offered; and the result would inevitably be the adoption of a party platform, and a list of candidates to be voted for *en bloc*. As the electors in their perplexity would almost certainly fall into the hands of party managers, the House of Commons would be chiefly composed of the nominees of caucuses, with a mixture of zealots and crotchet-mongers. The gentlemen at the Reform Club who were anxious the other day to spare the people of Aberdeen the trouble of electing a member would be able under the Proportional Representation system to concert their measures beforehand, and to impose their candidates without difficulty on paralysed and helpless constituencies. Skilled agents would after a time be masters of the elections, and the voters would be driven like sheep to the fold.

We do not know whether it is intended that this system of Proportional Representation is to be established in conjunction with the Ballot or to supersede it; but it can hardly be doubted that the tendency of the system, like that of the Ballot, would be to diminish the personal interest of the community in the election of members. The electors would soon discover that they had no alternative but to surrender themselves to the dictation of party managers, or allow themselves to be overridden by crotchet-mongers and advocates of extreme opinions. We are far from saying that, if all electors were enlightened, possessed of sound judgment, and animated by a keen public spirit, there might not be something to be said in favour of Mr. MORRISON'S proposal, or rather of Mr. HARE'S, for we believe it would be found to be practically impossible to stop short of the latter if the principle were admitted. But, electors being what they are, and what they are likely to be for some considerable time to come, men for the most part of moderate intelligence and indifferent education, knowing and caring very little about politics except in so far as their own interests are immediately affected, can hardly fail to be perplexed and discouraged by new-fangled schemes of intricate and mysterious voting. Mr.



MORRISON frankly admits that the House of Commons on the whole represents the country very fairly; but this is due, he complains, to "a series of petty accidents," and he sighs for "more scientifically constructed machinery." It has usually been thought a merit of our political system that it tries to make the best of "petty accidents," and looks rather to practical results than theoretical refinements; and the history of France is in its way equally instructive as to the value of a strictly logical Constitution and scientific machinery. It is perhaps somewhat surprising to find that the Government has no opinion to offer on this wild and preposterous measure, and especially to be told that "it does not call for an immediate decision on the part of those who would be responsible for carrying out its provisions." It would appear that Mr. GLADSTONE is preparing for the contingencies of a possible campaign, not by burning his boats, but by laying in a stock of munitions of war. The constitution of Parliament is to be kept an open question in order to provide for the exigencies of political agitation. As Mr. MORRISON candidly observed, we are on the eve of "new departures" in politics, and "as soon as the Liberal party are in Opposition, they will raise the cry of 'electoral reform.'" It will perhaps then be discovered that the condition of the agricultural labourer and the want of household suffrage in the counties are branches of Mr. GLADSTONE's unfailing Upas-tree which must be immediately dealt with.

#### OUR CRIMINALS.

A GREAT number of philanthropists, male and female, have been for many days discussing the important question, What is the right thing to do with our criminals? The Congress seems to have been creditably distinguished from many of those which are in the habit of gratuitously bestowing their wisdom upon mankind. A very large number of the members were really entitled to speak with authority on the subject. They brought to their task not merely a general tendency to expansive benevolence and a capacity for putting the universe to rights by the enunciation of a few truisms, but also a large amount of practical experience. There were speakers from every part of the world who had had the management of prisons on a large scale, and who fully appreciated the conditions of the problem before us. It was impossible but that many useful hints should be struck out, and we may hope that they will bear fruit in some definite reforms. But it is also true that any Congress, even if it were composed of the deepest philosophers, would have certain weaknesses. In a multitude of counsellors there is always abundance of twaddle and diffuse platitudes. That element does not appear to have been by any means absent from the Middle Temple Hall; and, moreover, the discussion ranged over so vast a variety of topics that it would apparently be quite impossible to sum up its conclusions within any limited range. Every possible question connected in any way with the treatment of prisoners, before, during, and after their punishments, seems to have been energetically discussed; and it would be quite melancholy to observe—were it not that there is some consolation in the fact—how many promising discussions were nipped in the bud under the inexorable pressure of time. One or two general principles seemed to emerge from the chaos of conflicting opinion, such as the question whether reformation or repression should be the primary object of punishment. Here, as elsewhere, there seems to have been much difference of sentiment; and yet it is obvious, when we come to look at it, that the difference is one rather of practical detail than of abstract principle. Nobody in fact would deny that it is desirable both to repress and to reform. It is plainly desirable that whilst there are criminals, which is likely to be the case for some time to come, they should have a wholesome fear of gratifying their amiable propensities. A gentleman who wishes to stamp his wife into a jelly should be made to understand that the consequences to his own personal comfort will be highly disagreeable. It is also plain that, if we can effect such a change in his character that when he returns to the discharge of his conjugal relations he will treat his wife to a new bonnet instead of breaking her head, it will be so much the better for society. The only question is how far the two objects can be reconciled. The problem is to make things as disagreeable as may be for the prisoner whilst degrading him as little as possible.

Unfortunately there are a good many people on whom our reforming agencies seem to be so utterly hopeless that the deterrent mode of action is apparently the only one available. Many of the brutes who appear before our Police Courts are all but devoid even of those rudimentary propensities by the cultivation of which alone we can hope to convert them into decent members of society; they are mere aggregations of brutal passions, utterly dead to any appeals to their consciences, and accessible to no motive but that of bodily suffering. What is the legitimate inference with regard to such persons if we are to proceed on the principle adopted by some of the speakers that a prison is to be considered as a hospital for moral diseases? If we pursue the analogy, we might be disposed to say that when a limb is hopelessly morbid the only remedy is amputation. Or perhaps it

would be more accurate to say that in this case the patient is suffering from a disease which is at once incurable and highly infectious. What excuse can we have for ever turning him loose upon society? In an essay on which we commented some time ago, called *Euthanasia*, it was argued with much ingenuity and a certain show of reason, that when a man was in such a condition that nothing remained possible for him but hopeless and prolonged suffering, the right thing was to put him to death. It was of course added that the consent of the patient should first be obtained to so decisive a remedy for all human ills. The only answer which could be made from the point of view of practical convenience was the extreme liability to abuse of such a power. Dead men tell no tales; and it would be unpleasantly easy for a wife who wanted to get rid of her husband to put an end to the unfortunate person's existence, and to set up the theory that she had acted only by the express desire of the invalid. There can, however, be no doubt that if such a system could be introduced with sufficient safeguards, it would put an end to a great quantity of human suffering. Whether that would be a sufficient justification for the practice is a question involving a great many moral and theological problems on which we cannot here enter. Though the tendency of civilization is certainly to increase the value of human life and to condemn the practice of the savages who put their aged parents out of the way from motives of the purest kindness, it may possibly be held that our scrupulosity can be pushed so far as to defeat its own ends. Some, however, of the obvious objections to the proposal do not apply to the case of criminals. Suppose it to be conclusively proved that a human being has become so utterly degraded that there are no hopes of making anything better of him, should we not be giving rather a desirable lesson to mankind by removing him altogether from the world? The moral would be not, as in the other case, that suffering is an intolerable evil, but that a certain degree of moral depravity is intolerable. You have brought yourself to such a pitch, the judge would say to the criminal, that on the whole you are a nuisance, and that there is not the least chance that you will ever be anything but a nuisance. Therefore, Be off with you! Whither, it is not our province to inquire. The other world is fortunately beyond our control, and you will doubtless be disposed of there as infinite wisdom may direct; but in this you are simply a corrupting agency, like the cholera or the small-pox, and we shall excise you from society, to the satisfaction of mankind in general. Mr. Darwin points out in one of his ingenious speculations that, if bees have a moral sense, the working bee probably considers it as a first principle that the drones should be exterminated at a certain period of their existence. The argument is advanced to prove that morality is the creation of the conditions under which we live; and that it might be so materially altered under a change of circumstances that fratricide would become a duty instead of a crime. On principles of utilitarianism it seems to be capable of being argued that, even as things are, a very analogous duty might exist. We do not indeed feel it right to destroy drones, or there would be some horrible gaps amongst the ornamental classes; but when the drone takes to go about stinging his neighbours, why not summarily smash him? The answer would of course be obvious, and indeed is pretty much the same as that which we should make to the remedy proposed in *Euthanasia*. There would be a difficulty about drawing the line. If we were to be restrained by no moral principle, and were not to take into account the indirect influence upon the general sense of security and justice, it can hardly be doubted that a very extensive massacre might be arranged which would be productive of highly beneficial effects to the survivors. We do not agree with the gentleman who proposed to sink Ireland for a few hours beneath the level of the Atlantic, for there are many excellent people in Ireland; but the police could easily furnish a list of criminal classes whose annihilation would be no sensible drawback to the sum of intelligence and good feeling at present existing, and would render our throats and pockets a good deal safer than they are at this moment. One objection, however, to such a proceeding, which is sufficient without going further, is that neither the police nor any other body could safely be trusted with such a power. The precedent would be very awkward, and if ever our friends of the Commune should get the upper hand they might be inclined to retort upon the governing classes. We must therefore be content with the operation of the slower agencies which will, it is to be hoped, gradually lead to the survival of the fittest and the dying out of the most degraded classes.

Even in the comparatively limited case of criminals regularly condemned, the difficulty of decision makes the remedy practically impossible. We may continue to hang murderers, but we cannot hang a man simply because we pronounce him to be morally incurable. There is no sufficient test for the purpose. Atrocious crimes do not of necessity indicate a hopelessly evil nature. Many of the worst cases are simply the result of drink; and if it is possible to make a man sober, it may be possible to make him into a tolerably useful member of society. In short, the question of moral incurability is altogether too delicate a one to be solved by the rough and ready means at our disposal. We can say pretty confidently that a given criminal has committed an atrocity, and even an atrocity which deserves death; but we cannot say with any certainty that a complete change of circumstances would not make him endurable or even useful. Though, however, we do not feel able to pronounce upon the individual, we can speak with perfect confidence of the class. There are certainly a vast number of men who will never be reformed, do

what we may, though we cannot put our finger upon the particular man of whom it may be truly said. From this it follows that the purely reformatory system cannot be carried out to its logical consequences, which would involve the removal of the absolutely incurable as well as the improvement of the curable. There are a great many ruffians whom we cannot kill off, or who, in other words, must remain as a permanent burden upon the country; and for them it is plain that nothing but purely deterrent agencies can be useful. The conception of a prison as a moral hospital points therefore to the ultimate ideal, but by no means to the existing state of things. It is melancholy that there should be inevitably many persons who can only be kept from mischief by simple fear. It is ardently to be wished that their number may be diminished by every means open to us, short of downright killing. It is to be wished, too, no doubt, that we should abstain as much as possible from punishments which degrade as well as deter. It is a misfortune that we are compelled to keep these criminals in awe by measures which frighten without reforming them, and tend to make them more cunning rather than less wicked. Still, under existing circumstances, the evil, however lamentable, is unavoidable.

And from this it follows that the questions at issue can only be decided by practical experience. We should be only too glad if we could hang nobody and degrade nobody. But how far criminals can be kept within tolerable bounds by measures which do not involve death or degradation is a question which can only be satisfactorily answered by those who have an intimate acquaintance with the manners and customs of the criminal classes. Mere sentiment is certainly tempting on such matters, and nothing is more easy than to lay down general principles which have a charmingly philosophical sound. Nothing, at the same time, is plainer than that the discussion is precisely one of those in which general principles without the aid of intimate practical experience are utterly futile. We are therefore glad to see that the Congress has devoted itself, in spite of some amiable rhetoricians, chiefly to the discussion of an infinite variety of minute details. We are glad also to believe Mr. Bruce's assurance that, as a matter of fact, we are making some progress towards the satisfactory solution of the numerous difficult problems involved. The result is, however, that we must either indulge in mere platitudes or plunge into a number of small practical questions which can only be satisfactorily treated when they have taken the shape of definite proposals.

#### THE TEMPLE OF DIANA AT EPHEBUS.

IN a shed which for many years contained the long-lost remains of one of the Seven Wonders of the World, the newly found relics of another and still more renowned of those wonders are now to be seen. For, by an arrangement unusually in keeping with the fitness of things, the space at the British Museum which was until recently occupied by the marbles from the Mausoleum is now devoted to the first fruits of the fortunate discovery of the great Temple of Diana at Ephesus. That discovery is in itself of so interesting a nature, and the results to be expected from it may prove so important, that too much attention can scarcely be directed towards it. It is no light matter that, after so many unsuccessful attempts, the shrouding mantle of time should have been at least to some extent drawn aside, and that we should have been able to obtain a glimpse of the fallen majesty of that famous edifice which the ancients accounted the crowning effort of Ionic architecture, and which was to the people of Asia Minor what St. Peter's at Rome is to the Christian world.

From immemorial times the Ephesian river Cayster has gone on "making land," its annual inundations leaving behind them an alluvial deposit which raises the level of the plain and slowly encroaches on the sea. In the early period of their history the Ephesians kept the river to some extent within bounds, but as time went by their harbour began to fail, and, after the vigorous attempt of the King of Pergamus to clear it had resulted in failure, it was abandoned to its fate. From that period the old city which surrounded it—as distinguished from the new city built on higher ground at a later date—seemed gradually to sink as the level of the plain rose, until at last its walls lay buried beneath some twenty feet of marshy soil. The Ephesus of the present day, called by its inhabitants Aiasoluk, consists of "a few miserable houses, and a few hovels, some of them leaning against the pillars of the great aqueduct that strides across the plain," at some distance from the river and the marshes. Of the glories of the past but little remains. The whole neighbourhood of the modern village of Ephesus is strewn with marble relics, and where the ancient city stood lie the ruins of many vast buildings. Conspicuous among these is the Great Theatre which held upwards of 56,000 persons, and the Odeum, or smaller theatre, both of which have been cleared out in recent excavations. The Stadium and Gymnasium are also recognizable; the outline of the harbour may still be traced by the rankness of its reeds, and the city wall crops up here and there in massive blocks.

But the building for which every Western spectator of this scene of desolation long looked most eagerly, though all in vain, was the great Temple of Diana. It seemed strange that every trace of so vast an edifice should have completely vanished, though it was known that the Goths sacked and destroyed it in the third century of our era, that the Byzantine Christians subsequently

used its ruins as a quarry, probably until the time of Justinian, and that for centuries the Cayster has been yearly spreading a fresh pall of alluvial deposit above its buried remains. Successive travellers suggested various localities as its site, most of them attempting to identify it with some of the massive substructures still visible. On the Admiralty chart of the Gulf of Scala Nova, issued in 1836, the position of the Temple is conjecturally laid down on the north side of the city, and in Mr. Falkener's elaborate work on Ephesus, published in 1862, it is supposed to have been at the head of the harbour, on the west of the city. In the year 1863 Mr. Wood began his explorations, "with no funds" (says the Report of the Committee of the Dilettante Society—a memoir to which we are greatly indebted) "except what he ventured out of his private means, with no implements or other plant, with no dwelling-house at hand, and with no kind of assistance from others, except a firman obtained for him by the Trustees of the British Museum." Beginning with the Odeum, Mr. Wood proceeded to clear out the area of the Great Theatre, the scene of the uproar on the occasion of St. Paul's visit to the city. There he found a number of inscriptions, one of which furnished the first clue to the discovery of the Temple. After clearing out the Great Theatre Mr. Wood discovered what he had good grounds for supposing was the Magnesian Gate of the city. From that gate, according to Philostratus, a *stoa*, or covered portico, led to the Temple of Diana, intended to yield shelter in bad weather to processions; and outside the gate he had discovered Mr. Wood found, about eleven feet under ground, "an ancient road, with tombs on each side, pointing in a north-east direction, and at the side of this road a row of bases of square piers, such as would have served to support a *stoa* like that of Damianus." This road Mr. Wood continued to explore during the years 1867, 1868, and the first half of 1869, and in the meanwhile he discovered "another ancient way leading from a city gate near the Stadium towards the Turkish village of Aiasoluk," along which also were tombs and bases of piers indicating a line of portico. Thinking it probable that these roads converged towards the Temple, Mr. Wood followed their track, and in April 1869 he "struck upon the angle of the *peribolos* just where it might have been expected to be." In this wall was an inscription stating that the Emperor Augustus had rebuilt the *peribolos* wall round the Temple of the Goddess Diana. Two other inscriptions at a little distance stated the distance from the river and the width of the road at the points where they occurred. From the angle of the *peribolos* on which he had thus lighted Mr. Wood proceeded to trace the two lines of wall as far as he could. By November 1869 he had followed the western wall for about 1,150 feet from south to north; but it then bent towards the west, and no further trace of it could be found. Meantime he had sunk a number of pits within the presumed area of the *peribolos*, in hopes of lighting upon the Temple itself. In one of these he came upon "a pavement of square blocks of fine white marble, nine inches thick, laid on a level bed of black marble, as was the practice of Greek architects in laying the floors of their temples," together with two marble sculptures. "These remains lay buried under eighteen feet of alluvial deposit, the lowest stratum of which was composed of splinters of fine white marble, which appeared to have been partially calcined by fire." Proceeding with his explorations on this spot, Mr. Wood in 1870 "soon came to several drums of Ionic columns, ranging from four to five feet, of white marble, with fine joints"; by January 1871 he had enlarged the area of his excavation to about one hundred feet square, over the whole of which space drums of columns and other architectural marbles were strewn, and in February a fragment of the lowest drum of a column, six feet one inch in diameter, was found in its original position on its base. As it was clear by this time that the site of the Temple had been discovered, the explorations were continued on a greater scale.

From this sketch of the history of Mr. Wood's discovery—one for which no slight praise is due to his intelligent and unwearied perseverance—we may turn to the consideration of its products, some of which have already arrived at the British Museum, while others are on board two ironclads now, we believe, at Plymouth. Among these are, to use the words of the Report we have already quoted so freely, "the lower drum of a column, nearly entire, with figures sculptured on it in relief, and large fragments of two or more drums, similarly sculptured; also the base of a pilaster, sculptured in relief, on the same scale as the drums." These sculptured drums are evidently portions of the thirty-six columns of the Temple which Pliny describes as *calata*, or "sculptured in relief." The largest of them, which weighs eleven tons and a quarter, bears on its least injured side a composition of six figures, three of which are supposed to represent Hermes, Victory, and either Hera or Demeter. A figure in Oriental trousers occurs on the fragment of another drum; on the pilaster is a female figure, clad in a talaric chiton, who appears to be struggling with Hercules. Part of another figure is seen on the return face of the pilaster, and above the sculpture on the block are the remains of a bead-and-reel moulding. The fragments do not suffice to settle the question as to what were the subjects chosen as the sculptural decorations on the thirty-six *calata columnæ*, but it is probable that the sculptors selected Asiatic myths connected with the early history of Ephesus—a likelihood enhanced by the occurrence of the figure in Oriental *Anazyrides*. The sculptures on the largest drum appear to have been at least well calculated for their purpose of architectural decoration, and if each drum of the thirty-six *calata columnæ* was adorned with similar reliefs,



each column being sixty feet high, a richness of effect must have been attained of which we have no other example in Greek architecture. Perhaps the Beautiful Gate of Herod's Temple at Jerusalem was a portico with decorations of this kind. Now that we know what Pliny meant by his *calate columna*, we are able to appreciate the sagacity of Professor Donaldson's conjecture that the outlines of these sculptured columns may be discerned in the representations of the Temple of Diana on certain Roman coins of the Imperial period. On those coins one of the fronts of the Temple is shown with an octostyle portico, and, on a close inspection of the columns, figures in relief are to be seen on their shafts, from their bases to about a third of their full height. It should be remarked that on those coins sculpture in the round is indicated in the pediments, and of this sculpture, which must have been on a colossal scale, we may expect to find fragments *in situ*.

Among the other architectural marbles sent home by Mr. Wood are two fine specimens of Ionic capitals, and a base, found in its original position with part of the lowest drum of a column still standing on it. There are also several fragments of columns on a smaller scale which must have belonged to the interior. We do not yet know enough of the plan of the Temple to decide whether these smaller pillars are to be reckoned among the 127 columns with which, according to Pliny, the Temple was adorned. Each of these, he says, was the gift of a King; and, in curious confirmation of this statement, the excavations have brought to light several fragments of inscriptions on the *torus* moulding round the bases of columns, which, in all probability, actually record dedications of such a nature. The architectural marbles present many other interesting features; some of the smaller fragments, for instance, retain traces of red colour, while the calcined surface of other marbles, and their charcoal smears, tell the sad story of some ancient conflagration in which probably perished the beautiful timber roof and the staircase cunningly wrought in vine-wood.

A survey of these fragments, taken in connexion with the narrative of Mr. Wood's operations already referred to, tells us just so much about the Temple as makes us eager for that fuller and more precise information which we can hope to obtain only when the mass of marble now cropping up everywhere under the alluvial deposit of the Cayster has been examined by intelligent eyes. Ionic architecture, which may be said to have been indigenous in Asia Minor, and to have been thence in all probability transplanted to Athens, attained its final development in the great Ephesian Temple—an edifice in which, as in the Mausoleum and the almost contemporary Temple of Minerva at Priene, we recognize, though only defaced and mutilated fragments can offer their evidence, that freshness and vigour in the execution, that versatility and felicity of adaptation in the application, which distinguished all Greek art in its best days, and still continued to be its characteristic as late as the reign of Alexander the Great, and perhaps up to the middle of his century. That is precisely the period when the history of Greek art, which we may still trace through a series of extant examples from the archaic period up to that point, breaks off abruptly, leaving a vast chasm between the reign of Alexander and the Augustan age.

Knowing as we now do something more than we did about the school of Scopas and his compeers, the next chapter in the history of ancient art should be the comparison of this school with that which immediately succeeded it, and of which Lysippus is the reputed founder and eponym; and it is on the site now being explored at Ephesus, more than perhaps on any other spot in the whole Hellenic world, that we are likely to find those missing links in the chain of evidence which Winckelmann sought for in vain in Roman galleries. Such an enterprise as Mr. Wood has undertaken ought, when once begun, to be carried out to its legitimate conclusion. Let us have, not a petty, partial, faint-hearted experiment, but a real, thorough exploration, carried out, as in former expeditions, with all the means and appliances which a liberal and enlightened Government has at its command. Otherwise envious foreigners may say that we had better have let the Temple sleep on beneath the twenty-feet-deep covering of alluvial soil in which the Cayster had entombed it.

#### MR. AYRTON AND DR. HOOKER.

A LEARNED Judge once likened a brother on the Bench who was remarkable for the rude energy with which he tore through his work to a rhinoceros in a sugar plantation. There would appear to be a good deal of the rhinoceros in Mr. Ayrton's style of doing business. From the glimpses we get of him in the course of the official controversies in which he is perpetually embroiled, he would seem to be always rushing about madly, tearing up the ground with his horn, dashing himself against trees and palisades, and occasionally by way of personal diversion ripping up some unfortunate man of art or science who has got in his way. In the last year or two we have had more than one opportunity of seeing the "noble savage" on the rampage, but the spectacle, though enlivening perhaps for those who like these exhibitions of wild fury, is not exactly a pleasant one. It is an unequal contest, to begin with. The victims chosen for attack have clearly no chance in an encounter with their hard-horned, pachydermatous assailant. They have feelings, and he has none. They are poor sensitive creatures who wince under any disparagement of their profession as much as under personal insult; and they are doubly outraged

when their art and themselves are simultaneously degraded. It may be a nice question why architects, artists, and people of that sort should consider themselves gentlemen, and expect to be treated as such; but they have at least been accustomed to this treatment; and the first shock of being addressed in the fashion in which a "ganger" navy usually communicates with his subordinates is apt to be too much for them. The Chief Commissioner is protected by the consciousness of his own moral superiority against whatever remonstrance or reprobation may be excited by his conduct. It is true his victims might meet him with his own weapons. They might address him in the same style as that in which he addresses others; but even if he were sensitive to this kind of retaliation, he is preserved from it by the self-respect of his antagonists. It would appear that Mr. Ayrton has made it his mission to put down artistic and scientific pretensions. He loses no opportunity of screwing, brow-beating, and bullying architects, painters, sculptors, and gardeners, and making them know their proper places. Last year he was running a-muck among the architects. Now it is the turn of the gardeners. A curious story is told in a memorial which has just been addressed to the First Lord of the Treasury complaining of the usage to which Dr. Hooker, the Director of Kew Gardens, has been subjected by Mr. Ayrton. It is possible that there may be some misapprehension as to the facts of the case, and official explanations, when we get them, may throw new light upon it. But the statements in the memorial appear to be based on official correspondence, and the names which are attached to it, including those of Sir Charles Lyell, Mr. Charles Darwin, Sir James Paget, Professors Huxley and Tyndall, and the Presidents of the Royal Institution, the College of Physicians, the College of Surgeons, and the Geographical and Linnean Societies, invest it with authority. We will endeavour to state as briefly as possible the substance of the complaints.

It is asserted that as soon as Mr. Ayrton found himself at the Board of Works one of his first official acts was to send a "reprimand" to Dr. Hooker. This was, as we can readily understand, "a new experience to the Director of Kew," after thirty years of public service; and it is alleged that the grounds of this reprimand were supplied entirely by the First Commissioner's own misconception. In 1871 Dr. Hooker was suspended in the control of the heating apparatus throughout the botanical establishments at Kew, which he had remodelled under the authority of a previous First Commissioner. No notice of this supersession was sent to him, no reason was assigned for it, and he was left to discover it accidentally from his subordinates. He wrote to the First Commissioner to ask whether it was true that he had been superseded, and was informed that it was true, and that he would have to "govern himself accordingly." It is asserted that the Curator of the Gardens has been removed from his duties under Dr. Hooker, and empowered in various ways to act independently, and that this step also was taken without any previous communication with the Director. Moreover plans and estimates have been submitted to the Treasury for considerable alterations in the Museum at Kew without consultation with, or notice to, the Director. These plans were however abandoned on reference to Mr. Stansfeld. Mr. Ayrton is accused of having tampered clandestinely with the loyalty of subordinate officials, and introduced into the management of the establishment a policy subversive of discipline and fraught with injury to the public service. He is said to have treated the Director with habitual, and it would appear studied, discourtesy, and to have done everything he could to make his position at Kew unendurable to a man of spirit and self-respect. Unable to obtain anything but fresh insults in reply to letters of inquiry addressed to the First Commissioner, Dr. Hooker turned to Mr. Gladstone. Mr. Gladstone referred the matter to Mr. Ayrton, and appears to have been satisfied with the explanations he received. On a subsequent application from Dr. Hooker, the subject was remitted to a Committee of the Cabinet, over which Lord Ripon presided. The Committee decided that Dr. Hooker was to be treated in all respects as the head of the botanical establishment at Kew, but "of course in subordination to the First Commissioner of Works." Dr. Hooker is naturally anxious to obtain a more distinct and definite interpretation of his duties; and he has applied to the Treasury to determine whether he is to have the control of the heating apparatus, and to be consulted with regard to the estimates and any proposed changes in the organization and management of the Gardens.

It can scarcely be necessary to remark that one story is good until another is told, and that the memorial gives us only one side of the controversy between the First Commissioner and Dr. Hooker. We have yet to learn what Mr. Ayrton has to say for himself, and it is possible that on some of the points which have been raised there is room for argument. But the argument must not be allowed to take too wide a range. Whether it is or is not desirable that Dr. Hooker should exercise supreme and undivided authority over the establishments at Kew is a question which may be conveniently postponed. The most serious part of the accusation against Mr. Ayrton is, as it seems to us, not that he superseded Dr. Hooker in some of the duties he had previously discharged as Director, but that he superseded him in a grossly offensive and insulting manner, without complaint and without notice, so that Dr. Hooker had not only no opportunity of justifying himself, but was left to discover his supersession casually from one of his own subordinates. We have here a simple question of fact, as to which there should

be no beating about the bush. Either Dr. Hooker was superseded in the way he alleges or he was not. If he was not, he must be the victim of an extraordinary hallucination; if he was, there can be only one opinion as to the First Commissioner's conduct. It is intolerable that the head of a great public department should be exposed to this kind of petty spitefulness and boorish insolence. We hope that Mr. Ayrton will be able to refute the charge, but it is impossible not to have a painful recollection of other incidents of a too similar kind which have distinguished his not very glorious career at the Board of Works. We have no desire to reopen the Barry controversy, but it will be remembered as a conspicuous example of our Edile's unhappy manners, or rather want of manners. There is a kind of surly gruffness which in the vulgar mind is apt to be associated with honesty, if not deemed an indispensable ingredient of it. Mr. Ayrton perhaps aspires to be known in history as "honest Ayrton," and if rudeness and honesty are synonymous he may be acknowledged to have fairly earned the coveted appellation. It is obvious that a man must be of a very superior moral constitution to his fellows when he disdains the weak dissimulation of calling a vault a crypt, and exercises his ingenuity in inventing impertinent answers to the simplest questions which are addressed to him on matters of business in the House of Commons. When Mr. Ayrton entered on his present office he claimed the confidence of Parliament and of the public in his administration on the ground of his utter ignorance of art. His knowledge of botany is probably on a par with his knowledge of art, and we are ready to believe that in each case his native sagacity is equally unerring. It may be suggested that Mr. Ayrton perhaps pushes the converse of his pet theory a little too far. It is impossible to relieve Dr. Hooker from the imputation of possessing a profound knowledge of the science to which he and his father have devoted their lives and the greater part of their means. So far we are bound to admit the worst that Mr. Ayrton can urge against him. It is impossible to get over the damning evidence of such authorities as Sir Charles Lyell, Mr. Darwin, Professors Huxley and Tyndall, and the other memorialists, who do not attempt to deny that Dr. Hooker is "a man of whose scientific labours any nation might be proud, and whose natural capacity for the post he occupies has been developed by a culture unexampled in variety and extent." It is clear that on Mr. Ayrton's principle, Dr. Hooker is quite unfit to be entrusted with the management of botanical collections; he knows too much about them. Without disputing the soundness of the theory, it may be hinted that there are exceptions to every rule, and Dr. Hooker may be an exception to this one. There are at least some facts to sustain this conjecture. Dr. Hooker and his father have managed Kew Gardens since they were first transferred to the nation in 1840; and it is admitted that they are now the finest establishment of the kind in existence. Kew has become not only a great nursery and museum, but a model school of universal horticulture. From Kew seeds and plants and skilled gardeners are distributed over the world. It is stated in the memorial that the present Director has to a great extent remodelled and reorganized the Gardens, at a great saving in outlay, without any sacrifice of efficiency. All this, however, has really nothing to do with Mr. Ayrton's alleged treatment of a responsible public officer. Dr. Hooker may or may not be fit to manage the collections at Kew. If he is not fit, he should at once be removed; but while he continues to hold office, and to bear the responsibilities of office, he is entitled to know what is being done in his own department, and to have an opportunity of expressing his opinion on the estimates and on any changes which may be in contemplation.

Should the statements in the memorial prove to be correct—and, as we have said, nothing can be easier than to ascertain this—it will be the duty of the House of Commons, if the Government declines to take the initiative, to make Mr. Ayrton understand in some very sharp and decisive manner that it is not part of the duty of a Parliamentary official to treat the permanent advisers of his department with "personal contumely" and studied insult, and to neutralize their efforts by intriguing against them behind their backs, and inciting their subordinates to disregard their authority. Every one must admire the indomitable austerity and persistent insolence of Mr. Ayrton's demeanour, on which the softening influences of official life have produced no effect whatever; but perhaps this kind of heroism would be more admirable elsewhere than on the Treasury bench.

#### AACHEN REVISITED.

THOROUGHLY to get up any city or district in its historical relations is rather a long business. We believe that, in order to be thoroughly master of any place, a fourfold process is needed. The traveller should first arm himself with a general knowledge of the history of the place and of all that is to be seen in it. He will thus be able to examine the objects themselves in an intelligent way, to understand their history and meaning, and to go through the process implied in the Aristotelian phrase of *roûro ðeîno*. Then let him go home and study all his materials afresh by the light of the local knowledge which he has thus gained. The difference between reading the history of a place which we have seen and of one which we have not seen is simply infinite. When we read of spots, buildings, natural objects, which we have ourselves looked on and examined, the story gains a force and

depth and meaning which makes all the difference between a living thing and a dead one. We feel at home in the place of which we are reading, and we feel as if the men of whom we read were our personal acquaintance. Then lastly, having done this, it is well to see the place a second time by the light of the livelier knowledge thus gained. We are now in a position to correct any mistakes which we have made in our first visit, and generally to bring our book-learning and the evidence of our own eyes to illustrate and strengthen one another. Every place, every part of every place, should, whenever it may be done, be visited twice, even if the two visits happen with only a few hours' interval on the same day. There is something in the process of recollection, another form of the *roûro ðeîno* process, which makes the impression far keener than if the object be looked at only once. Even if a man has only an hour to give to an object, he will learn more by giving it in the form of two distinct half-hours. But this work of revisiting reaches its highest form when we come the second time charged with all the knowledge gained by a comparison of our earlier memories with the written history of the place.

Sometimes, again, a visit to one place makes it almost a duty to make a second visit to another place. Two or more places are often so closely connected that the history of the one is imperfect without the history of the other. The connexion may be of various kinds; the same great names may be common to both; the events which happened at one may have had a direct influence on the events which happened at the other; the two places may actually stand to one another either in the relation of sisters or in that of child and parent. Or again the connexion, though not so direct as this, may be none the less true and instructive. The two places may hold the same position in the history of their several countries or of the times when they were severally most famous; the comparison may be instructive through the likeness or the unlikeness of the two physical sites, or through the likeness or unlikeness of the buildings which have been raised upon them. In all these ways, whether by likeness or unlikeness, by direct cause and effect or by mere analogy, one place illustrates another, and the traveller is constantly led to form the fruitless wish that he could suddenly spirit himself away from one spot to another far distant. The architectural inquirer would be well pleased if he could place the apses of Köln and Amiens side by side. He would be still better pleased if he could fly suddenly from the banks of the Wear to the banks of the Arno, and see the glories of Northern and Southern Romanesque, Durham and Pisa, in successive hours. And he would be well pleased again on such a Utopian ramble if he could stop on the way by the banks of the Rhine, and compare the metropolitan church of Germany, the stately and varied forms of the great minster of Mainz, with the buildings on each side of it which have so much in common with it and yet so much that is unlike. Here the connexion is one only of analogy and of contrast. But when we stand in St. Mark's, while we look at the intermediate building, we feel that the survey is imperfect, because we cannot see at the same glance its parent church at Constantinople and its daughter church at Périgueux. In all these ways one spot illustrates another, and as, even in the days of electric telegraphs, the laws of time and space cannot wholly be got rid of, the best thing is to take every opportunity of seeing one of two places thus mutually connected with a mind still full of the memories of the other.

We have been led into this train of thought by a comparison of the feelings aroused by three visits, under three different sets of circumstances, to Aachen, the city of the Great Charles. To many travellers Aachen—Aiken, as our forefathers called it, with a nearer approach to the true speech of the country—and its minster will be their first German city and their first German church. There they may see for the first time on a gigantic scale the tall aisleless apse with windows of boundless height, which so clearly fences off the churches of Germany alike from the square ends of England and from the surrounding chapels of France. But setting aside this one feature, there is nothing about Aachen which specially connects it with German buildings rather than with the buildings of any other part of Christendom. It is rather one of a class belonging to no particular land, but scattered here and there through all lands. The round or octagonal church, very commonly with a choir added to the east and a tower added to the west—three things which can never be brought into real harmony with one another, but which from their very incongruity always produce a striking effect—is found scattered here and there from Jerusalem to Northampton, more common in some countries than in others, but everywhere rare enough for each particular example to have a sort of personal interest of its own. The Temple Church in London and the renowned St. Gereon at Köln are among the examples which will occur to every one; but the peculiar effect of Aachen is best realized on a far humbler scale in the church of St. John at Liège, which we spoke of in a former article, and in the church of St. Sepulchre at Northampton—we speak of this last as we knew it years ago; we believe that additions have lately been made to it. In all these three, without any kind of likeness in any other point, we find the three elements placed close together, but which no art can really fuse into one whole—the western tower, the central round, and the eastern choir. But the city with which Aachen, and the church with which Aachen Minster, really connect themselves are not to be looked for on either English or German soil. Aachen can never be so well understood as with the mind fresh from the memory of Ravenna, and the Imperial Minster better takes its place in the general order of things if we



look at it with a constant reference to its parent church of St. Vital.

The connexion between Ravenna and Aachen illustrates well nigh all those different forms of relation which, as we have said, bind one building or city to another. Among all the cities of the earth these two stand forth as the chosen homes of Teutonic dominion. To the student of the general history of our race no spots can speak like the city of Theodoric and the city of Charles. Each is, as it were, the crowning-place of one of the two great branches of our race, and we in our island cannot forget that the elder and the nobler of the two was the crowning-place of that branch whose kindred to ourselves was the nearer. We honour the Frank, we feel our common blood stirred by the vision of his greatness; but in the Goth we have our ten parts, as speaking that oldest form of the common tongue from which we have, after all, changed less than Frank, Swabian, or Bavarian. But the Goth ruling over Italy in a Roman city, according to Roman law, and the Frank translating the seat of the Roman power to a city of its own Northern land, alike set forth the twofold and mutual conquest—the way in which the Teuton bore rule over the Roman, and the way in which, in return, the Roman led captive his conqueror. The Goth who on Italian ground remained King only of his own people, and the Frank who on German ground reigned as Caesar and Augustus, each played his part in the same great work. But they severally mark two stages of it. In the state of things under Theodoric we see the stage when the Roman and the Teutonic elements stood distinct and side by side. In the state of things under Charles we see the stage when the two were rapidly fusing together into a third different from either. But of these several stages, and of the work in which they were stages, Ravenna and Aachen stand out as representatives beyond all other cities of the earth. Nowhere else do we feel so thoroughly in the presence of the Teutonic lords of Rome, lords who were at once conquerors and disciples. In the local Rome the names even of Theodoric and Charles would be simply two in the long series of the mighty ones of history. And in the local Rome neither Theodoric nor Charles ever dwelled. To be its masters was their highest glory; they visited it as the venerable centre of their dominion; but it was not their home in life and their resting-place in death. For that end they chose Ravenna and Aachen; and as such Ravenna and Aachen stand together, apart from all other spots on earth, the cradles of the two mightiest forms that Teutonic dominion ever took.

As regards the buildings of the two cities, the connexion is of the closest possible kind. It is a connexion of cause and effect, and indeed of something closer still. The greatest building of Aachen is a direct copy of the greatest building of Ravenna, and for more than one building in Aachen Ravenna actually supplied the materials. The round of the Minster at Aachen beyond all doubt reproduces the round of St. Vital, and columns from Ravenna, though certainly not from St. Vital, were used to adorn the churches and palaces which Charles raised, both at Aachen and at Ingelheim. The letter is well known in which Pope Hadrian gives leave to the Frankish King and Roman Patrician to remove columns and marbles from the palace of Ravenna, and there can be no doubt that some at least of the monoliths which adorn the dome at Aachen, which the eye now dimly sees through piles of scaffolding, were once among the enrichments of the fallen house of the great Goth. The man whom at Aachen we revere as a founder, we are tempted at Ravenna to curse as a destroyer; but the spoliation of Theodoric's palace has at least brought about what we might almost call a material identity between the two most famous spots in the transitional period of European history.

As regards the two men themselves, the Kings who each for a while raised his city to at least the second place on earth, their fate has in it a strange mixture of likeness and of unlikeness. The work of Theodoric died with him. No successor was found worthy to fill his place, and the very name of his kingdom and dynasty soon perished from among men. The power founded by Charles lived on in name within the memories of men now living, but it was but in name that it lived on, and the noblest part of his work has been just done over again before our eyes. As for the mortal remains of the men themselves, they have gone the way of the mortal remains of most of the mightiest men of the world's history. As we seek in vain for the dust of Harold at Waltham, or the dust of William at Caen, so we seek in vain for the dust of Theodoric in the resting-place reared on high beneath his own mighty monolith, and we seek no less in vain for the dust of Charles beneath the huge slab which bears his name within his own minster. Bigotry cast forth the bones of the barbarian and of the heretic; reverence removed the bones of the hero, the founder, the reputed saint, that his fragments might be exposed to the same degrading veneration as any stray relic to which fancy or legend might have attached a memorable name. In the view of what we venture to think a higher feeling of reverence, each is alike removed from his own place, each is alike cast forth from the sepulchre which he had himself wrought for his own resting-place.

As regards the present state of the two cities, no contrast can well be greater. At Ravenna we have no temptation to think of aught but the past, of those few wondrous ages of the past of which Ravenna has, as it were, the sole possession. The monuments of those times meet us at every step; tombs and churches, towers and palaces, such as no other spot on earth can show, are strewn, as by a lavish hand, from one end of the city to the

other, and there is hardly enough either of modern life or memorials of later times to disturb us in their contemplation. From Aachen, as from Ravenna, her dominion has passed away; she is no longer

Urbs Aquisgranensis, urbs regalis,  
Regni sedes principalis,  
Summa regum curia;

but in the general aspect of the city the present has swept away the past. It is only while we keep within the shadow of his minster, or look on the one surviving fragment of domestic building which speaks of his age or of the age of his early successors, that we really feel that we are in the city of the Great Charles. Go where we will, there is nothing to set against that one city which seems preserved as a fossil fragment of a world which has passed away, of a world which in some sort had its own being within its walls. The true life of Ravenna has been kept safe and sound by its abiding death; at Aachen, as in a crowd of other places, the life of the past is well nigh choked by the continued or revived life of the present.

#### ACROBATS.

IF every other subject of legislation had been exhausted, if all the great and crying evils which afflict society had been set right, and the world made nearly perfect by Acts of Parliament, it might perhaps be worth while to think about passing the Acrobats Bill which Lord Buckhurst has just persuaded the House of Lords to read a second time. The Bill is to be sent to a Select Committee, and if there is a law lord on the Committee we shall possibly hear no more of it. A question has lately been raised as to what the country has a right to expect from ex-Lord Chancellors, and we should certainly say the country has a right to expect them to make short work of such Bills as this. It belongs to the category of impulsive legislation. Something occurs which strikes the fancy of an amiable legislator as very sad and shocking; he remarks himself, or he hears somebody else remark, that this sort of thing really ought not to be allowed; and forthwith he proceeds to bring in a Bill to put a stop to it. He does not pause to consider whether the object he has in view, however good in itself, is of sufficient importance to justify the interposition of the State in this solemn manner; whether it is an object which can be effectually attained by legislation, and in no other way; or whether the legislation he proposes may not do as much harm as good. After a few discussions he probably discovers that his Bill is either so loose and wide that the mischief aimed at is pretty certain to escape, or so close and stringent that a great deal more will be caught in the net than he intended, or than Parliament would permit; and so the pretty project is abandoned. The general purpose of Lord Buckhurst's Bill is very plausible. It can hardly be pretended that the performances of acrobats and gymnasts are essential to the moral or intellectual welfare of the nation. They too often appeal to a barbarous and brutal passion for thrilling sensations, and the exhibitions of Female Blondins and little children trundled on wheelbarrows on a high rope are not only revolting in themselves, but an outrage on public decency. On the other hand, it may be taken for granted that little boys are not trained to be acrobats without a good deal of suffering, and occasionally a bad accident, either at rehearsal or in their public displays. A number of juvenile acrobats are maimed while learning the art; now and then one is killed; and even when they have acquired sufficient dexterity to appear in public they are sometimes in peril of life and limb. It will be admitted that it would be in itself a good thing if children could be protected from this kind of danger. It may be said that if grown men and women choose to run the risk of breaking their own necks in gymnastic feats they have a right to do so, but that they have no right to imperil children who are not yet of an age to exercise their own judgment or free will in the matter. This is Lord Buckhurst's view. He proposes that children under sixteen years of age should not be allowed to take part in any gymnastic performance; and a fine not exceeding 5*l.* is to be imposed on any person who hires out or derives a profit from a juvenile acrobat or gymnast, and on the owner of the hall where the young gymnast goes through his performances. Turning to the Interpretation Clause, we find that "gymnastic performance" is to be held to mean any gymnastic or acrobatic exercise or performance practised or given by way of trade and for the purpose of gain whereby the life, limb, or health of the person so engaged may be endangered or injuriously affected. It will be observed that a gymnastic performance is defined to be a gymnastic exercise, which reminds one of the famous definition of archidiaconal functions; but no attempt is made to interpret "acrobatic." It is important to inquire whether a Bill thus worded would not apply to every kind of dangerous occupation, as for example to jockeys, stable-boys, ship-boys, and so on. In Webster's Dictionary acrobat is defined as one who moves high, one who practises high-vaulting, rope-dancing, &c.; and the sailor boy certainly moves high enough and practises dangerous feats on the ropes, and does this "by way of trade and for the purpose of gain."

In the debate on the Bill, those who supported it made good use of what they asserted to be the analogy of the Factory and Mining Acts. It was asked why protection should be afforded to children in mines and factories, and not to children employed as acrobats. One obvious reason why it is at least less necessary to protect young acrobats is that the latter are comparatively few

in number. Assuming that the performances of the acrobats furnish the public with legitimate and innocent amusement, and that the only reason for suppressing them is the peril of life and limb to which the performers are themselves exposed, it can hardly be said that Lord Buckhurst made out a sufficient case for what the manager of a circus has called "this terrible and absurd Bill." Lord Buckhurst mentioned a recent instance of a boy of fourteen being killed by a fall from a high trapeze; but Lord Morley says the Home Office has made special inquiries on the subject, and that accidents of this kind are by no means so frequent as is supposed. Some of the feats of the acrobats are unquestionably dangerous, but it must be remembered that it is part of their business to make them appear more dangerous than they are. It will probably be found that their ordinary exercises are dangerous only in appearance, or at least infinitely less dangerous than riding a vicious horse or climbing the rigging of a ship in a high wind. If boys under sixteen are not to be allowed to engage in any dangerous occupation, there is as much reason to interfere in the case of stable-boys and ship-boys as in the case of acrobats. It was very proper that the barbarous practice of employing climbing-boys, who were sometimes burned or suffocated in the chimneys through which they had to pass, and whose health necessarily suffered from the bad air, the soot, and the painful contortions of climbing, should be put down; but no comparison can be drawn between climbing chimneys and going through the ordinary tricks of a young acrobat in the circus. It is part of the training of an acrobat to know how to fall when he misses his tip. An elderly gentleman who has taken his boys to see some ground and lofty tumbling no doubt thinks it dreadful that any one should have to gain a living by apparently violent dislocations of his limbs, and would be horrified at the thought of his youngsters engaging in similar exercises. Yet it is doubtful whether there is not as much real peril in the playground, in the modern style of cricket, with cannon-ball bowling, or in foot-ball in the approved Rugby fashion, to say nothing of boating and hunting. Lord Buckhurst may perhaps not be aware that the effect of his Bill, if it became law, would be to put down gymnastic performances altogether. Everybody knows the difference between learning to ride as a boy and as a man; and the difficulty of acquiring the suppleness and confidence which are essential in acrobatic feats after the first period of boyhood is passed is said to be so great, that practically no one can hope to be a skilful acrobat who has not been trained when very young. It cannot be pretended that ground and lofty tumbling is an indispensable element in our civilization, and if it were to be immediately struck out of the list of popular amusements, we do not know that anybody would be much the worse for it, except the poor people who would thus be shut out from earning a living by their agility. But it is not desirable that the State should interfere with such matters except on very strong grounds, and with a distinct perception of all the consequences of legislation. We are afraid that the dangers of impulsive legislation are greater than those of acrobatic exercises.

It is to be hoped that the Select Committee on Lord Buckhurst's Bill will not fail to seek out and examine the boy to whom Lord Shaftesbury referred as a shocking example of the mental and moral consequences of gymnastic training. The lad, who had been sent to school after a course of acrobatic discipline, used—so Lord Shaftesbury assured the House of Lords—to rush away from his class and stand upon his head in a corner, and unless he was allowed to do this for three or four minutes he was perfectly unable to go through his lessons. Lord Shaftesbury's conscientious precision and literal accuracy of statement are so well known, we might say so notorious, that we do not for a moment question the truth of the story in any of its particulars. It is possible however that, if the boy could be got hold of, he might throw some light on the motive of his eccentric conduct. It might appear that it was the school lessons, the vexation of rule-of-three and the maddening influence of fractions, which led him to seek relief by stretching his legs in the air; or he may perhaps have found that he could in this attitude reflect more calmly and profitably on the knowledge he had just imbibed, and that he returned to his place refreshed and invigorated. We never had the advantage or disadvantage of acrobatic training in early life, but we can recollect at school having had at times a strong conviction that a little muscular relaxation would be an agreeable interlude in the course of lessons; and even in later life, at church and elsewhere, when suffering under a severe attack of verbose exhortation, we have been haunted by similar wild desires. The passion of Lord Shaftesbury's young friend for turning himself upside-down, and surveying life in a reversed attitude is certainly suggestive. It is possible that from this point of view some things in the world might seem less topsy-turvy than at present. It is getting to be understood in these days that all the old conventional points of view, especially in political and theological matters, are very misleading, and that the only way to secure a philosophical breadth of mind and emancipation from all prejudices is to change one's standpoint as often as possible. When Mr. Cowper-Temple calls out for more variety in religion, and Dean Stanley rushes about seeking all manner of strange pulpits to preach in, the Abbey and Prayer-Book being so stale to him now, they are perhaps only obeying a similar instinct to that which led the ragged schoolboy to stand on his head. There is no saying what good results might not be anticipated if the House of Commons could only be persuaded now and then to break off a heated discussion, and to look at the question before it calmly with its legs in the air. Mr. Sanger,

the proprietor of a travelling circus, has undertaken, in a letter to the *Times*, to show that, instead of putting down acrobats, the State ought to foster and encourage them. Mr. Sanger does not go so far as to propose that acrobatic exercises should immediately be introduced into the public schools, or that chairs of gymnastics should be founded at the Universities. But he thinks "it would be well if the Government would appoint some person to inspect the entire business of the training of acrobats." So far from being painful or injurious, "the practice is more like the most genial recreation, and calculated to develop the symmetry and promote the growth of youth than anything else." And then he draws a melancholy picture of the desolation of England when all acrobats shall have been suppressed by morose and tyrannical legislation:—"No tight-rope dancer, no acrobat, no sprite for your Christmas pantomime, no harlequin whose quick and graceful point of the toe lends a charm to the whole body, no columbine who cuts eight and lends so much delight by her graceful and perpetual positions and dancing." The gaiety of at least one nation would be eclipsed, and life would offer nothing worth living for. This is a terrible picture, and it is impossible to contemplate it without emotion. Between these two extremes, Lord Buckhurst on the one side, and Mr. Sanger on the other, the common sense of the matter will be found. It may be desirable to prohibit very young children, say under eight or nine, from being engaged in public acrobatic performances, and some of the more dangerous and disgusting feats which are performed by adults as well as by youngsters might perhaps be put under an interdiction. In any case the wire netting under the trapeze and other precautions might be made compulsory. But nothing can be more objectionable than rash, ill-considered legislation under the impulse of a passing sentiment, and without regard to the indirect consequences of the principle enforced.

#### ROMAN CATHOLIC PRISON CHAPLAINS.

THE International Prison Congress is greatly exercised about the moral reformation of prisoners. Indeed many of the speakers seem to consider this, rather than the prevention of crime, the main, if not the only, object of legal punishment. One enthusiastic lady orator, who is so zealous a champion of woman's rights that she indignantly protests against the most degraded of her sex being called "fallen women," broadly maintains that in every case "society, and not the criminal," is the real culprit; she never sees a prison van without comparing its unfortunate occupants to the discarded neckties which Beau Brummel's valet used to carry away from his master's dressing-room and called "our failures." "For she (Mrs. Howe) looked upon prisoners as the failures of the world, and as proving the want of social justice." We are not going now to discuss this somewhat sentimental view of the question, but it will be admitted on all hands that the moral treatment, especially of juvenile delinquents, is one important item of prison discipline; and accordingly it has always been thought necessary, as was expressly affirmed in an Act of Parliament of fifty years ago, to bring religious instruction and influence to bear upon prisoners. We are not surprised, therefore, that the duty of providing them with religious instruction according to their own belief should have been dwelt upon by one of the Belgian delegates, who objected that this principle was not adequately recognized in England. Nor can we think the answers given by Mr. Hastings and Sir John Pakington at all satisfactory. It is true, no doubt, that prisoners are allowed the services of ministers other than those of the Established Church, if they choose to demand them, and that, as both speakers rather oddly expressed it, "it is even open to magistrates of counties to appoint and pay Roman Catholic chaplains"; which, however, they often refuse to do. But this by no means proves that Roman Catholic have equally with Protestant prisoners "the full advantage of religious instruction from ministers of their own religion," and the contrary is notoriously the case. Sir John Pakington's plea is, in fact, precisely that which was urged two years ago by Mr. Newdegate when opposing Mr. Maguire's original motion for a Select Committee, and which was felt to be so utterly inadequate that the motion was carried by an overwhelming majority, and Mr. Bruce promised to introduce a Bill on the subject—a promise which he very characteristically fulfilled last year by first introducing and then withdrawing a Bill to remedy the existing grievance. It is hardly necessary to repeat here what we have often urged before now, and what experience has abundantly proved, that to leave the appointment of Roman Catholic chaplains to the option of the local magistrates is to leave the spiritual interests of the Catholic prisoners—which are in this case also the interests of society—at the mercy of a class of men far more open to the narrow influences of religious sectarianism than to broader considerations of humanity and justice. And when the object is to instruct and reclaim criminals, who may be reasonably assumed as a rule to "hate instruction," the absurdity of making the process dependent on their "requiring the attendance of a priest" must be conspicuous to all who do not at bottom hold, with Mr. Whalley, that Popish instruction is worse than none. They virtually admit as much when they tell us—whether rightly or not we cannot say—that only four per cent. of the Catholic prisoners do, under the existing system, "require" the services of a minister of their own persuasion. We doubt the accuracy of the statement, but if it is accurate, so much the worse for the system. And it must be borne in mind that, to say nothing



of the obstacles often thrown in the way of the attendance of a Roman Catholic priest, there are very strong indirect inducements to Catholic prisoners who are not very keen about their own reformation to enter themselves as Protestants, if only to avoid being locked up in their cells during the Protestant service, which would otherwise be something of a relaxation to them. On every ground, therefore, of expediency and justice we hope that the Prison Ministers' Bill will not be again withdrawn this year by the Government, who are perfectly able to carry it through with half the trouble they have taken about many more ambitious measures of far less obvious utility.

Two petitions which have recently been published—one for and one against the Bill—very fairly gauge the true merits of the case. The latter, which has 476 signatures, and was presented by Mr. Kinnaird, professes to emanate from members of "the Evangelical Church, Nonconformists, and other inhabitants of Plymouth." It may seem hypercritical to take exception to the heading, but we must venture, at the risk of betraying profound ignorance of matters ecclesiastical, to confess our perplexity as to what is meant by members of "the Evangelical Church." Such is, we are aware, the proper and legal designation of the established Protestant Church of the German Empire, founded by the late King of Prussia from a fusion of the Lutheran and Calvinistic bodies, but we were not aware of any Dissenting sect in England having assumed the same name. And, moreover, as the Evangelical Church is here sharply distinguished from "Nonconformists" generally, we are almost left to infer that it is either a new designation of the Establishment, or a sobriquet for the Evangelical party; and in either case greater accuracy of definition would have been convenient. Passing over these preliminary difficulties, however, we come to the substance of the petition, which demands on ten separate grounds the rejection of the Prison Ministers' Bill, very incorrectly described in the preamble as a measure for "the establishment and endowment of Roman Catholicism." The petitioners, who describe themselves as penetrated with the "deepest shame, and grief, and alarm," at the bare prospect of such an enactment, object first to the title of the Bill, on the somewhat irrelevant ground that Roman Catholic priests "are not ordinarily called ministers"—a term which they will perhaps learn with still deeper shame is not unfrequently prostituted to this profane use in the rubrics of the Roman missal. Their second point, which alone even touches on the real issue, simply repeats Mr. Newdegate's and Sir John Pakington's illusory assertion that the measure is wholly unnecessary because at present the Romish prisoner can see his priest whenever he pleases—which is quite untrue practically—and the Justices can appoint a Romish chaplain whenever they please—which is true, only they usually do not please. On this item of their plea we should like to ask the petitioners one simple question. Would either of these concessions, insufficient as they are, have been allowed had the matter rested with them; and would a Roman Catholic chaplain be appointed in any single prison of which they had the control? Their remaining eight points contain just so many emphatic replies to this question. For if they mean a word of what they say, they would be committing a most terrible sin against God and man by sanctioning any appointment of the kind; in fact, they tell us plainly that it will be a duty rather to submit to persecution than to pay rates levied for so iniquitous a purpose. Their language has at least the merit of being tolerably explicit. We can only cull a few flowers of this pious rhetoric, which reminds us a little of the answer given, if we remember rightly, by the Church Association to the proposal that it should tackle Rationalist as well as Ritualist errors. It was necessary, they observed, to vindicate the Protestant character of the Church of England before its Christian character could be successfully maintained. The Plymouth petitioners have certainly established their Protestant orthodoxy, but on the Christian charity of their programme opinions may differ. Our readers shall judge for themselves.

They assure us that, as "lovers of God's Word, mindful of the labours and sufferings of Reformers, Covenanters, and Puritans," &c., they "do abhor the idea of setting up at the public cost Roman idols, superstitions, and falsehoods in this land"; and that the Bill, if passed, "would compel Bible-loving Protestants to become rebels against God, and help to draw down His most righteous indignation on the nation," by contributing to maintain "the blasphemous, Christ-dishonouring, soul-destroying imposture of the Romish mass." One might be tempted to ask whether it is not an equal hardship to conscientious Roman Catholics, if any such there be, to be compelled to contribute to the support of what they may perhaps consider, though they have not called it so, the blasphemous imposture of Protestant worship. But so far are these Plymouth petitioners from recognizing the analogy, that they offer the bold and felicitous suggestion of substituting for the proposed Bill a measure for laying a special tax "on those Churches which signalize themselves by an increase in the criminal population beyond their fair share"—evidently meaning the Church of Rome—in order, not to provide ministers of their own religion, but to "pay and reward ministers of whatsoever denomination" who will most effectively convert them to Protestantism. No doubt from their own point of view there is some reason for adopting such a course, for we are informed that it is now the duty of all Roman Catholic confessors "to inculcate on their penitents as morality those very habits and crimes which prisons in this country" (are theft and murder not punishable in other countries?) "are maintained, and magistrates are appointed to punish and correct."

And so successfully have they inculcated these vicious principles that "history shows the practice of confession to be detrimental to all true morality, injurious to the States where it prevailed, and ruinous to the souls of those addicted to it." It follows of course that the proposed measure would simply "provide a machinery for the manufacture of criminals," not to dwell further on the "terrible national sin" of "the establishment and endowment of the very worst and most Antichristian of all the Churches which call themselves after the name of Christ." On all which there is one obvious comment. If a fraction of this tremendous indictment is capable of proof, not only should no Bill for the appointment of Roman Catholic prison chaplains be passed, but no minister of that creed should ever be allowed to enter any of our prisons; it would indeed be a question fairly open to discussion whether their ministrations could be tolerated at all in the country. We should hardly tolerate the public preaching of Thuggism, and the cases would be strictly parallel.

If we turn from the pious declamation of Mr. Kinnaird's clients to the petition presented by the "Council of the Catholic Union of Great Britain," an institution with which we were not previously familiar, it is impossible not to be struck at once with a refreshing difference in the tone of the second document. Right or wrong, it contains a plain, commonsense statement of the case which is not written either with a "cursive" or a "cursing pen." The petitioners begin with observing that the present state of the law, which makes the appointment permissive, has resulted in great inequalities in the position and status of Roman Catholic ministers in different prisons, which seriously affect their opportunities of usefulness, and that thereby Catholic prisoners are often deprived, wholly or partially, of the only religious ministrations they can conscientiously accept. They add that these ministrations ought to be provided for all prisoners alike at the public cost; that it is highly inexpedient to leave it to the discretion of individual criminals—a plan, we may observe, which no one dreams of applying to the case of Protestant prisoners—whether they will invite the salutary offices of a minister of their own creed or not; and that it ought to be left with the minister to select the time and manner of offering his ministrations to the prisoners. And they point out in conclusion—what is distinctly proved by official statistics—that their views are confirmed by the experience of Government prisons, where the system proposed to be universally introduced has been in working for some years with the most satisfactory results. The case is really one which lies in a nutshell, and there is little or nothing to add to the statements of the Roman Catholic petition. Facts and common sense are all on one side; on the other side are such maunderings as those of the Plymouth Evangelicals about "idols," "superstitions," and "soul-destroying impostures," and the shocking criminality which is manufactured by auricular confession. But it does not therefore follow that a measure of demonstrated justice and expediency can be left to take care of itself. There are politicians of the screaming and "cursing" kind to be found even in the House of Commons, and we trust that both the Government and members of Parliament who have at heart the true interests of our criminal population, which are also the interests of the country, will exert themselves to prevent any further miscarriage of justice in a matter where opposing prejudice is as bitter as it is irrational.

#### MILITARY EDUCATION IN AUSTRIA.

THE solid military and general education given to officers in Prussia offers a strong contrast to the imperfect and somewhat superficial and unsystematic training of British officers. A country which does not practically recognize the fact that the career of arms must be developed into a scientific pursuit, is, whatever may be the discipline, physical strength, courage and proficiency in drill of its soldiers, in considerable danger of undergoing the rude teaching of adversity. Prussia has taken the lead in the path of military progress, Russia is beginning to follow in its neighbour's footsteps, but Austria required the bitter lessons of the campaign of 1866 before it could be thoroughly convinced that a punctilious observance of the traditions of the past must be replaced by an earnest study of the lessons of the present, and an anxious forecast of the possible conditions of the future. In spite of military virtues of the highest rank, Austria has been more frequently beaten than any other great and powerful country; but, as far as can be judged, she will on any future occasion enter the arena of war with very fair chances of victory. In every possible way she has studied to perfect her military machine, and, convinced of her former defects, to ground her system on original principles. Her system of tactics, drill, organization, and promotion—all has been changed during the last five years, and she continues with admirable perseverance to occupy the stool of the learner. There is not a detail of her system but is carefully studied, and constantly improved; and in nothing do her rulers take more pains than in developing the mind and increasing the professional knowledge of every officer and man in the army. In this respect we notice a superiority even to Prussia. In the latter country no trouble is spared to promote the professional and general training of officers; but the teaching of the non-commissioned officers and men is restricted to little more than instruction in mere drill, or at the most to its intelligent application on the battle-field. There are, it is true, regimental schools for non-

commissioned officers and privates, but nothing save reading, writing, and arithmetic is taught in them. In Austria, on the contrary, equal attention is bestowed on the instruction of all ranks in every subject likely to increase their efficiency as soldiers.

The military educational establishments of Austria may be divided into three principal classes, with numerous subdivisions in each. These classes are, the military colleges, the regimental schools, and institutions for the professional training of officers. The first class is chiefly intended to provide for the sons of deserving or needy officers of the army, the cost of their education being either wholly or in part defrayed by the State. Pupils not included in this category are also admitted on full payment. This class is subdivided into two academies, and two colleges which serve as feeders to the former. The two academies are the Military Technical Academy, which furnishes officers for the Artillery, Engineers, and Pioneers, and the Military Academy, which provides a small proportion of the officers of the cavalry, pioneers, and infantry. The first is supplied by the best pupils of the Military Technical School; the remainder, if they have passed satisfactorily, entering the Artillery as non-commissioned officers, and being admitted to the Cadet School after one year's service. Those who have not passed satisfactorily enter the Artillery as privates. The feeder of the Military Academy is the Military College. Admission to the two academies is not limited to the pupils of the colleges, any one being admitted who can pass a good examination. Those who pass out successfully receive commissions as lieutenants; unsuccessful students enter the army as privates or non-commissioned officers; for every pupil is compelled to render military service, giving additional time, according to the category to which he belongs, proportionate to the period spent at the academy. Admission to the feeding colleges is obtained by production of a certificate of qualification from a lower Gymnasium or Polytechnic School, or by passing an entrance examination. The regimental schools are a special feature in the Austrian system, for by means of them the mass of the army, in some countries starved and robbed for the sake of special corps and departments, are trained. In each company, or similar unit, there is an elementary school for non-commissioned officers and rank and file. Attendance is compulsory, and lasts from the 1st of December to the end of May, during which time no manoeuvres take place. Instruction is imparted by the captain, assisted by his subalterns, cadets, and qualified non-commissioned officers, and the course comprises orders and regulations, including military and civil law, drill, service in the field, and musketry. There are two classes, one for privates and another for non-commissioned officers and such privates as are selected for promotion. In the latter, in addition to the subjects above mentioned, instruction is given in army organization, writing, the first four rules of arithmetic, compilation of returns, and written reports and accounts. The whole company is also frequently practised in the bayonet exercise, jumping, climbing, running in heavy marching order, and gymnastics generally. The importance of thus developing individual intelligence—i.e. securing the individual efficiency of each man—cannot be overrated. Further, this great benefit results, that officers and men learn to know and respect each other thoroughly. The captain is not a mere portion of the regimental routine machinery, but a model for his men, their proved intellectual as well as military superior, the source from which they obtain all their knowledge. He learns each man's mental and moral characteristics, and is the head of a family rather than the mere leader of a body of armed men. Not only is he directed to further the acquisition of professional knowledge by his men, but he is also ordered to occupy himself with their moral education, and to inspire them with "an honourable feeling and true military spirit."

In addition to the company school, there are also regimental schools for training men selected for promotion to the rank of non-commissioned officer, who are not sufficiently proficient to enter the company school. The course lasts six months. The commanding officer selects for the post of instructor a specially qualified officer, who is assisted by a certain number of cadets and non-commissioned officers. The subjects of instruction are the same as those in the company school, with, in addition, dictation, reading, and arithmetic. A proportion of non-commissioned officers are also trained as accountants. Another regimental school is that in which infantry soldiers are trained as pioneers. In some of our battalions of Guards an informal institution of an analogous nature exists. The one-year volunteers are trained apart from the rest of the regiment, and receive a high professional education, including military topography, fortification, tactics, and military administration and organization, the object being to fit them for commissions in the Reserve. A regimental officer is appointed instructor, and in large garrisons there is but one class for all the regiments. Connected with the regiment is also a preparatory school, intended to qualify the pupils for admission to one of the cadet schools, the most customary channel to a commission. The colonel of each line regiment appoints a captain as commandant, and two subalterns as instructors; and the course resembles, but is higher than, that of the one-year volunteer, particular importance being attached to topography, mathematics, and field service. Soldiers from the cavalry and the military train desirous of going through the course are attached to the school of the nearest line regiment. Those who are reported to be "thoroughly qualified" are transferred to a cadet school. Those who are simply "qualified" must compete for admission at the entrance examination of that in-

stitution. The theoretical portion of the course lasts nine months, and two additional months are devoted to practical instruction.

There are thirteen infantry cadet schools, each of which is under the immediate command of the general of the district. The full course lasts two years. The cavalry can send pupils to the infantry schools, but the Artillery, Engineers, and Pioneers possess their own cadet schools, and in the Pioneers the course lasts four years. The staff for discipline and instruction is appointed by the general of the district, and selected partly from regimental, partly from staff officers. The pupils are furnished partly by the preparatory schools of regiments, partly by civilians who are obliged to pass an entrance examination. The latter can also compete for cadetships at the final examination without passing through the school. The education imparted at these cadet schools is of a very high order, far higher than that given by our garrison instructors. Among the subjects we find geometry, trigonometry, and general and military history. Particular attention is devoted to surveying, at which the pupils are expected to work sometimes as much as eleven hours a day. Practical instruction in outpost duty, gymnastics, and swimming is also imparted. The education at the cadet schools of the special or scientific corps is naturally of a higher order than that imparted at the line cadet schools.

We have thus far spoken of the system pursued in educating men with a view to their becoming eventually either officers, non-commissioned officers, or merely efficient private soldiers. We now come to the education of those who have already obtained commissions. As in Prussia so in Austria, there is no regular staff corps, and no college a certificate from which entitles the holder to employment on the staff. The staff is, however, as a rule, selected from those who have qualified at the war school. On leaving the latter they rejoin their regiments, and are appointed to and remain on the staff according to their aptitude and the exigencies of the service. On promotion they generally revert, at all events for a time, to regimental duty. The course lasts two years, and embraces all the higher branches of military study. All officers of three years' service, not above the rank of captain, are allowed to compete for admission. The inducement to enter is to be found in the fact that a lieutenant passing out with the certificate "excellent" is at once promoted to the rank of first lieutenant; officers of higher rank passing out with the certificate of "very good" are placed upon the roll for promotion out of turn. To our mind, however, the crown of this military education edifice is to be found in the system of instructive occupation for officers and cadets. This is afforded by means of lectures and conferences, reports on manoeuvres, essays on tactical propositions, reconnaissances, fencing and target practice, and equitation. The commanding officer frames the programme, selects the officers to instruct and give lectures, and is expected, as a rule, to be present at the delivery of the latter. With few exceptions, attendance is compulsory on all officers and cadets, and, at the discretion of the colonel, some of the non-commissioned officers are also allowed to attend. The instruction is of the most practical nature, and, in the case of tactical propositions, the scene of imaginary operations is selected from well-known ground in the neighbourhood of the garrison. The best essays are forwarded, through the brigadier, to the general of division. In most infantry regiments there are moreover equitation classes, in which officers are taught to ride across country, and instructed in all that appertains to saddlery, shoeing, the care of horses, &c. The central infantry school is intended to fit officers for being promoted out of their turn. All captains must attend this instruction before they can be promoted, whether in or out of turn. In addition to the establishments we have mentioned, there are special schools for the various special branches of the service, but these call for no particular remark.

In reviewing the general system of military education in Austria, the chief point which attracts our attention is the trouble taken to educate in the duties of his profession every officer and man in the army. Not one is neglected, and every encouragement is offered to those who wish to qualify themselves for promotion. For each rank there is a special training, which is always eminently practical in its nature, and calculated to make efficient soldiers rather than mere theoretical and pedantic bookworms. Not, as with us, is a simple mechanical knowledge of routine duty considered, when combined with good conduct, a sufficient qualification for the non-commissioned officer who wishes to obtain a commission. In Austria the officer from the ranks can never be despised by his brother officers, for he is compelled to prove his right, as regards education, to be one of them; whereas with us there will, we fear, ere long be two classes of officers, one consisting of mere drill-sergeants, the other of those who, possessing more money than the latter, have received a better general education. It is too much to expect that these two will ever amalgamate. Austria teaches us also an important lesson with regard to the officer of the auxiliary forces. We have already expressed our opinion about regimental schools; but that which we admire most of all is the system by which the professional training of officers is never allowed to slacken. With most of our officers duty and study are looked on as necessary but disagreeable interludes in their normal occupation, which is amusement. With Austrian officers their profession is the business of their lives, and pleasure is merely an occasional relaxation. Is there any hope that we shall ever witness a similar feeling in our army? Yet, if some radical reform as to the point of view from which the science of war is to be regarded does not soon take place, we shall



be in a perilous position, our chances of success against a foreign army being at present as good as those of an amateur who contends with a professional billiard player. This indeed is the evil; at present the British officer is, as a rule, only an amateur.

#### THE ALBERT MEMORIAL.

WE shall not tarry long over the architecture of the Albert Memorial; for we neither desire the easy success of fulsome panegyric, nor the still easier labour of retailing Rotten Row criticism. No doubt the base is expansive compared with the superstructure. No doubt the *flèche* springs somewhat abruptly from the intersecting ridges. But, after all, what do the critics want? We must grant the conditions under which the Memorial came into existence—a limited area, sufficient height, and the sound principle that it should be monumental and not utilitarian. Similar conditions produced not many years since the York and the Nelson Columns, while earlier days gave birth to the more noble, but still conventional, Monument. Would the critics like to have had a fourth column or an obelisk? The battle-gauge of materials—gilding, enamel, spar, mosaic—as against the London climate is undoubtedly most risky; but when all the parties interested showed themselves willing, we are perfectly content on behalf of experimental art that the trial should have been made. It is only by adventure that the limits of London possibility can be defined, and in the meanwhile we who enjoy the freshness of the Memorial have one sparkling speck on which to rest our eyes. Consent to one such monument no more implies acquiescence in unlimited golden architecture than having served as Middlesex sheriff compels the citizen to the perpetual use of a red gown. The sculpture demands fuller and more distinctive notice, because it is more than accessory; it is well nigh chief. The Memorial is essentially personal; the central idea is the statue of the Prince; the main purpose is to illustrate through sculpture the arts and the sciences to which he devoted a large portion of his life. For the first time architecture has to do suit and service to her younger sister sculpture, and herein is one of the characteristic differences between the Eleanor Crosses and the Albert Memorial—works which in motive are analogous. No less than two hundred figures, in bronze or marble are here congregated—a number far in excess of any known precedent. The Mausoleum at Halicarnassus was not thus densely populated: the memorial recently set up in Worms to Luther, though directly personal and exclusively dependent on statues, has not one-tenth of the number of figures now unveiled at Kensington. But the general scheme is sufficiently logical to save this crowd from confusion. At four corners, immediately in front of the sustaining columns, are four groups, emblematic respectively of "Agriculture," "Manufacture," "Commerce," and "Engineering." Directly beneath, on the four sides of the podium, are 178 portrait figures, arranged after the manner of friezes or panoramas, and designed to set forth the history of Poetry and Music, Painting, Architecture, and Sculpture. Lastly, at the four furthest points of the enclosure the composition is clenched by large groups emblematic of the four quarters of the world. Here the link of connexion with the Prince, who was not known as a great traveller or circumnavigator, is scarcely at first sight sufficiently obvious. It would appear, however, that International Exhibitions, of which the Prince was the inventor, are hereby symbolized. We are sorry to add that for a whole twelvemonth the Prince himself will be absent from his Memorial; Mr. Foley's statue is not ready for its pedestal.

We will begin with the four quarters of the globe, which, being stationed on the outworks, are the first to meet the eye. In the distance they present confused masses; nothing can be distinguished but four beasts, which have nought in common except that, while each presents his head to the spectator, all unanimously turn their tails upon the Prince. In point of art these ambitious groups are far from successful; the several compositions are complex, crowded, and confused. An analogous group—the Farnese Bull in the Naples Museum—is comparatively broad and simple, and the famous horses with attendant figures on the Quirinal, strongly pronounced against the sky, have just the force and decision which these latest and weakest products of the chisel lack. "Europe," by the late Mr. Macdowell, R.A., is not monumental art; the style is that of the drawing-room, and the largeness of the scale is rendered valueless by the smallness of the treatment; yet the group is as pretty as alabaster figures under glass shades. Michael Angelo would have wrenched all the heads from the shoulders rather than have left the figures thus emasculate. "Asia," by Mr. Foley, R.A., is seated on an elephant; the whole group is allegorical. The young lady who enacts the character would appear to an ordinary spectator to be doffing her dress for a dip in the Tigris or the Ganges; but the Executive Committee explain on authority "that the action of removing the veil is an allusion to the important display of the products of Asia which was developed at the Great Exhibition of 1851." This is but one example among many of the absurdity into which allegory is pushed in these far-fetched compositions. Mr. Foley's group has good points—the warrior of India is a noble figure; but the composition is better in the parts than in the whole; it is not well kept together in the lines; it cannot be looked at all round; indeed, when viewed from behind, the elephant might be mistaken for an Arab tent. Passing on to the north-east corner, "Africa," in the person of an Egyptian

princess, mounted on a camel, comes in sight. On her right stands a Nubian, on her left is seated an African merchant. Mr. Theed has been at much pains to gain perspicuity, and his composition does not fall into disorder; yet finish and refinement are secured at the expense of force; the romantic classicism which is the bane of modern sculpture is the style here triumphant, a style fatal to original thought or manly execution. The last group, "America," by Mr. John Bell, the sculptor of the "Eagle Slayer," is at all events not wanting in power. A bison grand in head and mane, rushing onwards, has fire and movement. On either side the impersonations of the United States and of Canada have an air of command. The execution, which is somewhat hard and mechanical, does little justice to the conception. We need scarcely add that the four groups which collectively represent the round world and all that dwell therein have severely taxed the sculptors' energies. That the works produced are not in the large manner of Phidias is nothing more than might have been anticipated.

Leaving the outworks and approaching the monument itself, we examine within easy distance four more allegories; "Agriculture," a graceful group by Mr. Calder Marshall, R.A.; "Manufacture," by Mr. Weekes, R.A., not strong, though Hercules has apparently been called in to assist; "Commerce," by Mr. Thornycroft, careful and timid; and "Engineering," a science which Mr. Lawlor has managed to throw into rebellion against the sister art of architecture. Evident care is taken to bring these four groups into agreement with the adjacent columns and canopy, but the discrepancy of colour is too great to be overcome; nothing can reconcile the cold white marble of the statues with the warm enrichment of the architecture; and it is to be feared that coloured sculpture, as tried by the late Mr. Gibson, would have stood neither weather nor criticism. Again we have to object to the confusion and silliness which would seem inevitable in allegory; when "Agriculture" is permitted the attribute of a "steam-cylinder and chemical retort," she may easily be mistaken for "Engineering" with "steam-hammer and blast furnace." We have never found such mechanism lend itself kindly to sculpture; Mr. Crawford, the American, with the worst possible effect, put a cog-wheel within a pediment. Above these utilitarian arts are ranged about the canopy and the *flèche* the exact sciences—beginning with astronomy—modelled by Mr. Philip and Mr. Armstead; also the Christian virtues by Mr. Redfern; and finally, winged angels carry the composition into the upper eky. These abstractions, all clothed in bronze, have a symmetry of proportion suited to architectural service; here only is the statuary in absolute keeping with the architecture.

Having mounted the last flight of steps, we approach the alto-relievs, which, as four panoramas, decorate the four sides of the podium or base whereon the canopy rests. Two of these frieze-like spaces have, in the hands of Mr. J. B. Philip, been made to illustrate what may be termed the biographical history of "Architecture" and "Sculpture." Forty-four figures, including Cheops, Palladio, Wren, Pugin, and Mr. Gilbert Scott, are supposed to represent the epochs and styles of architecture; in like manner forty-three sculptors, comprising Phidias, Ghiberti, Michael Angelo, Palissy, Canova, Flaxman, and Thorwaldsen may be said to do ample justice to sculpture. It has been supposed, not unnaturally, that in the arrangement of these and the two remaining compositions, Mr. Philip and Mr. Armstead have been indebted to Delaroche's "Hélicycle des Beaux Arts," just as all pictures of the Last Supper are usually said to owe much to the work of Leonardo in Milan. We incline to think, however, that the two sculptors have borrowed little or nothing from Delaroche but the first elementary idea. Mr. Philip, though giving small sign of originality and power, is not servile; he has thought out his theme with independence. Nowhere does the composition break down or fall asunder; these "Imaginary Conversations" are sustained throughout with ease and amenity, even though Torrigiano comes next to Michael Angelo whose nose he crushed, and Pugin is within arm's reach of Barry. Still it can hardly be said that the work rises above respectable mediocrity. The action is halting and lame, the grouping is both crowded and scattered, the execution inclines to be hard; and as to that most difficult problem, the management of relief, while some figures stick to the background as effigies, others start from the field of action as if about to break loose altogether and to disown their historic brethren.

The only reputation made by this Memorial is gained by Mr. Armstead. The two compartments committed to his charge, though not free from fault, are master-works. In the one dedicated to Poets and Musicians he secures an effective centre; Homer, lyre in hand, groups with Dante and Virgil, Shakspeare and Milton. The narrative is well sustained, the action is animated, and the treatment, with few exceptions, artistic. The difficult matter of drapery is settled by adroit compromises. Modern coats with buttons, knee-breeches, and buckled shoes are, for the sake of historic accuracy, closely transcribed, and yet, by the help of sweeping robes, forms obnoxious to the sculptor's art are disguised and adorned. Here and there, however, intrude dissonances in lines which imply either haste or inability to surmount the difficulties which these complex compositions perpetually involve. As to the treatment of relief, knowledge and skill are for the most part shown. In bas-reliefs, such as the Elgin frieze, profiles necessarily preponderate, which it will be easily understood are not favourable to a work which primarily is a transcript of portraits. The very large percentage of full faces out of a total of seventy-nine poets,

musicians, and architects is almost beyond precedent in the sculptor's art. And yet, though the manner thus tends to the pictorial, we have seldom to object to that forced turn of the head and neck by which the spectator is saluted in Waterloo Banquets and similar portrait compositions. Indeed the treatment, with some obvious exceptions, inclines to the Greek rather than to the more pictorial manner of the Renaissance; the action, as in the Elgin frieze, is on one plane, or at most on two planes, and the accessories intruded are few. Thus the style is more cognate with the pediments of Phidias on the Parthenon than with the Baptistery gates of Ghiberti in Florence. On the side of defects must be mentioned the execution. The surface of the marble is frittered away by play of hand and flourish of chisel—a manipulation less in keeping with the breadth and repose of sculpture than with the dazzle of painting and the dexterity of etching. This mode of finish partakes of triviality; much to be preferred were the bold, broad blocking out of Michael Angelo.

The sculpture generally, especially in the large groups, suffers from not having been modelled for open air and sunlight. Our artists are so much accustomed to work for corridors, halls, or drawing-rooms, all under roof, that they are wholly put out when light is flooded down on all sides from the sky. We remember once in Paris to have realized how utter was the destruction to form and chiaroscuro when compositions which had looked well in studios were exhibited in a large uncovered area. The Greeks when they worked for the open air were concentrated in their high lights, strong and compact in their deep shadows; in modelling a brow, a mouth, or an eyelid, the lines were made sharp, decisive, and prominent, so as to catch light and throw shade. English sculptors in the groups before us are weak because they ignore these conditions of strength. We fear too that their labour is for a day and not for eternity; these works in marble and in metal will be wrecked by English weather. Our sculptors can show themselves pictorial, realistic, romantic, but not sculptural or architectonic. The Albert Memorial is beautiful in detail, but lays no claim to grandeur in the mass; it suffers by proximity to the Albert Hall; the Memorial is dwarfed into an art toy by its neighbour, the gigantic gasometer of science and musical sound.

#### THE THEATRES.

MISS BATEMAN is unrivalled in imprecation, and may justly claim the title of Queen of Scolds. Her curses are grand, powerful, and impressive, but they have, if we may venture so to say, a tendency to become tedious. The character of a woman with a grievance is hardly capable of indefinite repetition, and the favourite dramas of Miss Bateman contain absolutely nothing beyond her own parts that can excite the smallest interest. It is far from our intention to depreciate the merit of her performance, either in the well-known play of *Leah* or in the new play which has been constructed for her of *Medea*, and it would be very unfair to blame her because these plays contain only that one element of which she makes the most that can be made. Happily, when she has produced a sufficient sensation in London it will carry her round the world, and we shall only have to wish that cursing may be a favourite article in the dramatic market of all the countries she may visit before she returns to us again. It may perhaps be doubtful whether another drama of the same peculiar quality will be forthcoming. We are inclined to agree with Bob Acres, in the *Rivals*, that "dammes have had their day," and we fear that Miss Bateman's theatrical career is likely to terminate prematurely unless some entirely new form of blasphemy can be invented for her use. Her success is very like that of Mr. Irving in the *Bells*. According to the manager's advertisement, there was a "startling unanimity" among the critics in praising that performance. We fully admit that this praise was deserved, but the really startling thing would have been to find a human creature, critical or other, who desired to see the performance a second time. Happily there are many rich communities in which English actors may ply their calling, and if it is admitted that everybody ought to see a play once, the fortune of all concerned in it is tolerably well secured. Thus much we certainly can say on behalf both of Mr. Irving and Miss Bateman, that every intelligent frequenter of the drama should desire to see their performances, but in neither case should we expect that increase of appetite would grow by indulgence. As the Frenchman said of fox-hunting, "I have been." It would be incorrect to represent that the part of *Medea* is composed of unadulterated cursing; there are allusions to her poor feet, and other attempts to make pity alternate in the hearer's mind with horror; but probably even Miss Bateman's warmest admirers will hardly contend that her attempts in the pathetic line of business are successful. It is true that she sobs over her children until we wish that an incident of a well-known French play might be imitated by somebody throwing a pocket-handkerchief along with one of the bouquets that are showered down on her. Our meaning will be clear if we suppose this lady to attempt the part of Constance in *King John*. In some passages she would be grand:—

Oh that my tongue were in the thunder's mouth!  
Then with a passion would I shake the world.

There is no modern actress to whom these lines are more appropriate. But there is another side to the character of Constance to

which Miss Bateman would hardly render justice. When rage is merged in grief, as in the beautiful lines beginning

But now will canker sorrow eat my bud,

we should dread that hardness of look and manner which seems inseparable from this lady's acting. If "windy inspiration of forced breath" could make a scene pathetic, then perhaps all London might weep over *Medea's* woes. But Miss Bateman seems neither to possess in this part of her business the *ars celare artem*, nor to be capable of that sensibility which brings nature to the aid of art, where art alone must almost inevitably fail. There have been many actresses who could feel the sorrow of Constance as that of a mother mourning for her own child, just as there have been many actors who could so transport themselves in imagination to the scene which they represented as actually to produce before their audience the agony of passionate lamentation in which Anthony kneels before the body of the murdered Caesar. An artist who adds to all the mechanical and physical resources of the stage this one quality of imagination leaves what we should call in schoolboy's phrase the "blubbing" business of Miss Bateman far behind. She is, however, unapproached in cursing, and perhaps may do as well by her peculiar talent as the Irishman who started in life with a rare faculty of personal vituperation.

The author of *Medea* tells us that he has drawn partly from French and partly from Greek sources, and that he has himself invented the scene in which Jason insists that *Medea* shall take her choice between the two children, while she demands both or neither. It is hardly a reproach to this author to say that he would probably be unequal to his task even if he had bestowed more pains upon it.

As one by one at dread *Medea's* strain  
The sick'ning stars fade off the ethereal plain.

Thus did Pope write upon this theme; but even Pope wrote only two lines, which perhaps suggested to the manager of the Lyceum Theatre to turn down the gas while Miss Bateman utters her denunciation. But although Pope has no further shown the way, there are other guides whom the modern dramatist might find sufficient. An actress of more varied talent would desire to make the most of the pathetic side of *Medea's* situation, which has been skilfully elaborated by Ovid. An experienced reader of that poet can supply almost equally from memory or invention the sort of turns he gives to *Medea's* story. She asks where were the Gods when she and Jason put to sea and dared their vengeance, he for treason, and she for trusting to the traitor. The physician cannot heal herself, and she is sleepless who sealed the dragon's eyes. She quenched the fire which burned around the Golden Fleece, but she cannot quench the fire which burns within her own breast. Thus she enters on the subject of her wrongs, and she works herself into a sufficient passion before she leaves it. But still she expresses many emotions besides that of anger at Jason's treachery. Her mental retrospect of her forsaken home, and of crime committed when she left it, is one of the most effective touches of the picture. Her hand has done that which it dares not write. She deserves the death which she inflicted on her brother, and she desires only that Jason might share it with her. Although Ovid did not write plays, he is probably a better model for the modern dramatist than Euripides, whose treatment of this subject is rather didactic than sensational. The terrible *Medea* under his hand becomes, if we may so say, a trifle prosy. She delivers one or two speeches which would not be out of place at a congress of domestic philosophers among ourselves. But it is better that fire and fury should be mitigated by social science than not be mitigated at all. It is curious to notice how Euripides answers by anticipation Shakespeare. They say, remarks *Medea*, that the women lead a life free from risk at home while they, the men, are fighting with the spear; but they are much mistaken, for I would rather go thrice to battle than bear child once. We all remember that Katherine, after she has been tamed by Petruchio, expresses a view of married life exactly contrary to that which *Medea* propounds for the consideration of the Corinthian women. We do not recommend that Miss Bateman should spout a translation of Euripides, but it deserves notice that the classical *Medea* has teeth and claws, although she is not always saying that she knows how to use them. In this very speech from which we have quoted she comes effectually to the point at last. A woman, says she, is usually full of fear, and bad at quarrelling and fighting, but if her husband injures her there is not any creature more bloody-minded. Towards the end of the play she says that Jason may well call her lioness, since she has torn his heart. Yet when she is neither furious nor didactic she knows how to excite pity. She has determined to kill her children, and still she fondles them. "May you be happy," she says, "but there"—that is, in the other world. As regards this world, their father has destroyed their happiness. Looking at all this wealth of ancient material for his purpose, we should have thought that the modern dramatist might have done his work better; but still he might have done it worse. He is only glaringly absurd in one or two passages, and perhaps no author could have helped Miss Bateman more effectually to maintain her monopoly of malediction. Jason perhaps brags rather too much. He says in effect that he cannot have too many enemies to kill, and a like noble appetite

Expands a hero's heart when he would wive.

One feels tempted to quote, by way of comment, "My great



revenge has stomach for them all"; but these words would be perhaps more applicable to Medea, whom all the poets agree in representing as capable of marrying and murdering any number of husbands. Certainly if Jason had married Creusa, any jury would have found extenuating circumstances in his bigamy; and when Medea's children prefer their future stepmother to her, we should say that they showed a discretion beyond their years. A leopard, even if partially domesticated, is not an agreeable companion for life.

The retirement of Mr. Alfred Wigan deprives the stage of a finished artist whom people praised much more frequently than they went to see him. There have been few more melancholy spectacles on the modern stage than that of Mr. Wigan at the Gaiety Theatre playing in the audience which came to laugh at Mr. Toole. There could be no more conspicuous failure than the production of an abridgment of Vanbrugh's play, *The Relapse*, in which Mr. Wigan performed the celebrated part of Lord Foppington. Few persons saw this performance, and still fewer seemed to understand it. The small success of this experiment may perhaps have discouraged others of the same kind. It might have been expected that Mr. Wigan would have done more than he did towards the revival of comedies of the eighteenth century, in which his performance of Lord Foppington showed that he was eminently qualified to succeed. But in our time an artist of Mr. Wigan's reputation must have a theatre to himself, and if he does not succeed—as with high ability, unallied to a commercial instinct, is possible—it must be given up. Mr. Wigan's example will not, however, be wholly lost, as he expresses the hope that he and Mrs. Wigan may still do something for dramatic art. There is truly much to be done, and if Mr. Wigan can induce young actors to place before themselves his own high standard of perfection, he will redeem the promise of his farewell speech.

Mr. Fechter has lately returned with his old parts to the Princess's, and Mr. Bandmann with his one old part to the Queen's Theatre. We understand that Mr. Bandmann has made the dramatic tour round the world, and if he has been playing in *Narcisse* all the time, it is a pity that this able actor should have so little variety of experience. His difficulty perhaps is to find another play to suit his special talent. But whenever that play turns up, he will be provisioned for another voyage round the world. If his repertory of characters is as limited as that of Miss Bateman, they are at any rate more agreeable.

#### NEWMARKET JULY MEETING.

AT the meeting of the Jockey Club held at Newmarket last week a somewhat unusual amount of business was transacted. Lord Calthorpe's proposal to impose a fine of ten sovereigns on any person altering the name of a horse after it has once run was rejected, and it must be admitted that such a proceeding would be very arbitrary. Surely people into whose possession such animals as Jennie's Bawbee, Snorter, Tickle Toby, Tails, Wiffey Waffey, and Holy Joe may happen to fall should be encouraged rather than thwarted in their attempt to discover more appropriate and euphonious names. Again, there are occasions when a new owner likes to get rid as far as he can of associations attaching to the previous history of a recent acquisition; and such a case occurred last week, when Faraday, under circumstances to which we will refer presently, was, with a touch of quiet and justifiable sarcasm, renamed Bank Note. Lord Calthorpe's second proposition met with ready acceptance. It contemplates the appointment of two or more deputy starters, who, while acting at various country meetings, shall still be at the call of the Jockey Club, and will in time have undergone sufficient official training to enable them to take the place, when necessary, of the present starter. The principle is excellent, and we fail to see why its application should not be extended to the case of the judge, who is not less mortal than his brother official, and whose place would be equally difficult to fill. Indeed, an inexperienced judge who attempted to fulfil his duties, especially on the Newmarket courses, would, we fancy, make a pretty mess of the business. A motion followed to secure increased accuracy in the registration of thoroughbred stock, and we rather regret that the resolution, as finally carried, leaves the matter at the option of breeders, instead of establishing a compulsory rule. It was more questionable policy to begin to tamper with the rules so recently and so deliberately fixed for the termination of the flat racing season. It is also difficult to believe in the existence of any reasonable human beings who can take a delight in a series of plating races in the dreary afternoons of the third week of November; but if such there be, we suppose we must not grudge them their pleasures. Naturally, however, the managers of the early Spring meetings will resent the favour shown to the managers of the late Autumn meetings, and will try hard next year to extort from the Jockey Club some similar leniency toward themselves. And nothing can so effectually impair the authority of any legislative body as a disposition to make laws one year and reverse or modify them the next.

The racing at Newmarket last week was hardly so good as in 1871; but then last year's July Meeting was about the most brilliant on record. The first event of importance was the Gladiateur Stakes, which resulted in a match between Trombone and Lord of the Mines. The latter, who has won three times this year, was conceding 5 lbs., but Trombone, who at Ascot gave Prince Charlie some little trouble over a five-furlong course, and

fairly distanced Siluria, had had the better public trial, and won—more easily than it appeared—by a neck from Lord Aylesford's horse. Six ran for the Filly Stakes, including the high-priced Windermere, bought last year at Doncaster for a thousand guineas, and the high-bred Albani, by Thormanby out of Catherine Hayes. The latter led nearly the whole way, but ran soft when challenged at the finish by Windermere, who won by a neck. There were eight runners for the race of the day—and the week—the July Stakes, but Somerset, Paladin, and Kaiser alone attracted attention, and beat the remainder of the field a long way. The performances of these three and the recent sale of the first named for the large sum of 2,800 guineas must be fresh in the recollection of our readers. Somerset fully atoned for his defeats at Stockbridge by running away from Kaiser, who seemed outpaced the whole way, and also by cleverly beating Paladin, who ran rather green, and will, like Kaiser, be better suited by a longer course. All the performances of Somerset, who is by The Duke out of a daughter of Oxford, seem, on the other hand, to show that he has inherited a fine turn of speed on his dam's side, which will render him very formidable over short courses. At Stockbridge over the T.Y.C. (six furlongs) Kaiser beat him by a length, but the next day over a five-furlong course he beat Mr. Savile's colt by half a length. And now, improved no doubt, and favoured by so exceptionally easy a course as the New T.Y.C., he won the odd game of the rubber and beat Kaiser by four lengths. Kaiser, however, was not persevered with at the finish. He looked the fittest of the three, and is a strong compact horse, but probably staying is more his forte than speed. Paladin, by Fitzroland out of Queen Bertha, is a finer-looking horse than Somerset, and won his first engagement at Ascot in a canter. In the July Stakes, however, he finished rather unkindly, and Somerset had the foot of him for the last two hundred yards. In the Middle Park Plate the pair will meet on different terms, and the longer course will also be a point in favour of Lord Falmouth's horse. The succeeding race furnished a striking example of the difficulty of judging on some of the Newmarket courses, for nine out of ten of those who were closest or directly opposite to the judge's chair thought that Visor had won and that Puritan was second; while, as it turned out, a third, Juliana, who was running wide on the left side of the course, was declared the winner by a head, a like distance separating Visor from Puritan. The rider of Visor evidently thought he had won the race safely enough, or he could have got a little more out of his horse.

On the second day there was an occurrence which caused some momentary excitement. Faraday, who was entered in a selling sweepstakes, winner to be sold for a thousand pounds, won, and was duly claimed, according to the conditions, by Mr. Walker, who ran second with Jock of Oran. Hereupon the owner of Faraday refused to part with his horse unless the thousand pounds were paid down on the spot in hard cash. There was no apparent justification for such a demand, for these matters are usually settled by agents, not by the principals; and, further, by the 50th rule of racing the money for a claimed horse need not be paid until "ten o'clock at night on the day of the race." The Turf is by no means in a flourishing condition, and if the few men of wealth and position who still engage in racing are so mistrustful of one another as to refuse cheques, the end cannot be very far distant. Besides, if an owner does not like to part with his horses, what business has he to enter them in races the conditions of which may compel him to lose them? The remainder of the racing on this afternoon was of the quietest description; but the partiality of some horses for particular courses was exemplified by the victory of Lady Masham—for the third year in succession—in the Beaufort Stakes. She had seven opponents, including Flurry, Guadalupe, and The Quail—the latter receiving 3 st. all but two pounds from Lady Masham for the year. The finish between Guadalupe, The Quail, and Lady Masham was surprisingly close, and again the spectators, who confidently believed that The Quail had won by a neck or more, were corrected by the judge, who awarded the race to Lady Masham by a head, a similar distance separating the second from Guadalupe.

Despite Cantinière's 7 lbs. penalty, only two, Cambusier and Visor, out of the forty-seven entries, ventured to oppose her for the Chesterfield Stakes, and, as there is no money in this race for the second horse, they might as well have remained at home, for Lord Ailesbury's filly galloped right away from them, and won by six lengths. It is a sad pity that this brilliant daughter of Stockwell should be a roarer, and we cannot therefore hope for her success as a three-year-old; but she is making the most of her present opportunities, and has many engagements yet to fulfil, at Goodwood, Newmarket, and Doncaster, some of which seem quite at her mercy, and will probably leave her at the end of the year at the head of the two-year-old winners. A good field of thirteen, including Bertram, Enfield, Glaucus, Roma, Meteor, and Contraband, contested the Summer Stakes, won last year in such brilliant style by Sterling. Jack Spigot would also have been included among the starters, but fell lame while cantering down to the post. Another splendid finish between three must have been gratifying to the handicapper, and the uncertain Falkirk, Bertram, and Cranbrooke ran an extraordinarily close race home, Mr. Merry's horse winning by a head, and Cranbrooke finishing a head behind Bertram, whose luck this season has hardly been equal to his undoubted merits.

The principal event of the last day's racing was the signal defeat of the hitherto unbeaten Acropolis, whom previous victories at Chester and Epsom had made, presumably, next in order of merit

among the two-year-olds to Cantinière. She found, however, the severe six furlongs to the end of the Bunbury mile much more difficult to manage than the half-mile courses over which she has distinguished herself, and was so hopelessly beaten in the last quarter of a mile that Cannon did not attempt to persevere with her, and Victoria went on and won by ten lengths. At Epsom Acropolis gave Victoria 5 lbs. and beat her easily, but it is now pretty clear that she cannot stay, nor indeed would her breeding—by Citadel out of Cellina—suggest the probability of her being a stayer. Only Derwent opposed Corisande in the Queen's Plate, and Baron Rothschild's mare won as she pleased. The Newcastle Stakes fell to Glaucus, as last year, the easy new T.Y.C. being much more to the taste of a runner than the last six furlongs of the Bunbury mile, over which he was beaten by Falkirk the day before. Old Reindeer, after being beaten in a match by Ellesmere, took leave, it was understood, of the Turf. Though he never attained to high distinction, he has at various times carried off a fair amount of minor events, and he will be long remembered as a racing curiosity, and as the solitary example, in modern times, of a horse kept in training to such an advanced period of life. As a trial horse he has been found, we believe, for many years both useful and trusty; and altogether he may be said to have well deserved an asylum for the remainder of his days.

## REVIEWS.

### DE BETHENCOURT'S CONQUEST OF THE CANARY ISLANDS.\*

IT would be in the last degree unjust if the mythical claims put forward by a certain class of patriotic advocates were allowed to disparage the substantial feats of maritime discovery due to the early enterprise of France. Whatever may become of the pretensions put forth with so much zeal and learning by M. d'Avezac and similar writers, it cannot be said that France has received anything like her full meed of glory for what her sons are proved to have done by way of exploration, apart from what may still lurk among the unexplored records of the past. A peculiar interest may therefore be said to attach to a work which stands midway between the pretended and the real achievements of French prowess at sea, preceding by thirteen years, if not more, the first expedition of Prince Henry, from which dates the fame of Portugal for exploration by sea. The earliest authenticated voyage of Frenchmen to any distance towards the South was that of De Bethencourt to the Canary Islands at the very beginning of the fifteenth century. Although not made into unexplored latitudes, this group of islands having for centuries had a place in poetic legend and in history, the record of this voyage has rightly been thought worthy of a place among the Hakluyt Society's publications. The narrative of the Sieur de Bethencourt's expedition, written by his chaplains, Pierre Bontier and Jean le Verrier, and now appearing for the first time in an English dress, was brought to light out of the family archives after more than two centuries by Galien de Bethencourt, councillor of the Parliament of Rouen, and edited in Paris, 1630, by M. Pierre Bergeron, the original text being carefully reproduced in all its native simplicity and naïveté. Having become aware that M. E. Charton, in his *Voyageurs anciens et modernes*, had had the advantage of seeing an early MS. which had come by family descent into the hands of Madame de Mont Ruffet, Mr. Major was able to secure, from the friendly and ungrudging hands of M. d'Avezac, the veteran savant, whom he justly terms the Humboldt of France, a collation of the entire MS. with Bergeron's text. A careful bibliographical notice from the pen of M. d'Avezac makes it highly probable that this manuscript, written in 1482 or thereabouts, was the first fair transcript from the original rough draft of Bethencourt's chaplains. The present edition has thus been the means of bringing back the text to the strictest possible degree of authenticity and correctness, and it is given at the foot of the page, below Mr. Major's English version. From the handsome copy of Bergeron's edition, lent by Sir David Dundas, has been derived the portrait of Bethencourt himself, which forms the frontispiece to the volume before us. The arms of the adventurous old voyager, an ape or baboon grimacing, borne upon a shield between two natives of the Canaries, have been photographed from the MS. in the possession of Madame de Mont Ruffet.

The physical aspects of the Canaries have been made familiar to us by the Personal Narrative of Humboldt, and the ethnography of the islands has been treated by Blumenbach and Prichard as fully as the materials available for the subject admit. There can be little doubt on the part of the physical geographer in referring this island group to the Atlas series of African highlands, forming as it does a western prolongation of that chain, severed, it may be plausibly conceived, at no remote period of geological time by the submergence of the intervening portion of the continent. On the other hand, whatever may be the force assigned to the legendary subsidence of "Atlantis," points of analogy and resemblance have been established between the volcanic structure of the Canaries,

notably that of the Peak, and the western range of Quito and Peru, to satisfy us as to a geological affinity superficially concealed by the waters of the Atlantic. Points of this kind were obviously beyond the ken of the observant chroniclers of Bethencourt's settlement. Nor did their knowledge of the distinctions of races sufficiently avail to suggest anything of the connexion which later ethnographers have traced between the islanders and the natives of the mainland. The two fathers were nevertheless precise enough in their observations of persons and manners, of peculiarities of language and of the mummied remains of the dead, to make it clear that at that time the Archipelago was peopled by two distinct races, the Berbers and the Arabs. The Arab tribes, which were in the minority in the western islands, had obtained the superiority in numbers and in political rule in those towards the east. The chaplains describe the natives of Lancerote and Fuerteventura as tall, those of Great Canary and of Palma as of middle stature. The people of Gomera and Ferro are described by Galindo as small, while the mummies of the Guanches of Tenerife show no superiority in height. The natives of Lancerote and Fuerteventura had very brown complexions, while in Canary, Tenerife, Gomera, Palma, and Ferro fair, or even blond, skins prevailed. In Lancerote, and perhaps in Fuerteventura, polyandry existed, many a woman having three husbands, while in the other islands monogamy was strictly maintained by law. The burial customs in each group showed no less distinctive marks of origin, corresponding to which were differences in the form of government. In the east despotism and hereditary right, without distinction of sex, prevailed. In the west women were rigidly shut out from rule, which took the form of family and hereditary privilege, subject to a tribal right, the territory of the tribe forming a sort of common patrimony, of which each member, not unlike the ryot in Bengal, cultivated his own lot, and enjoyed the proceeds, the administration of the whole belonging to the headman or chief.

To go into the question whether the introduction of these races was prior to the possible isolation of their present seats from the mainland, or was effected, as in many well-known cases, by canoes blown off from shore, would carry us beyond the point to which history or scientific knowledge avail us. As early as Homeric times, at least there was the popular idea of the "islands of the blest" somewhere towards the setting sun, founded, as Strabo thought most probable, upon the reports of Phœnician voyagers along the coast of Africa and South-west Europe. The glowing accounts of the fertility of these islands, the purity of the air, and the happiness of the people, within historic times, inspired Sertorius, as we learn from Plutarch, with the romantic desire to seek there repose from the strife and turmoil of the world. The two islands mentioned in this curious story were probably Lancerote and Fuerteventura. In the vague itinerary drawn up by Statius Sebosus from the reports of navigators of the time, and preserved by the elder Pliny, five islands under distinct names make up the group of Hesperides. Still more distinct is Pliny's summary of King Juba's narrative, which enables us to identify the foremost of the Insule Fortunatæ with the principal islands of the Canary group. For thirteen centuries or more after this nothing has been recovered from history beyond the fact of a vague knowledge current among the Moors of Spain of what were named the islands of Khaledat. These various and scattered threads of tradition and history are woven in Mr. Major's introduction into as connected a form as possible, and carried on into the more authentic age of Portuguese exploration. Among the many notices which his unsparing research has brought together, the newest and most original is that for which we are indebted in the first instance to Boccaccio, and in the second to the industry of Signor Sebastiano Ciampi, by whom Boccaccio's narrative was first brought to light in 1827. It was derived from letters written to Florence by certain Florentine merchants established at Seville in December 1341. In July of that year two vessels had been sent by Don Luis, King of Portugal, armed and equipped for the conquest of the Canaries. The expedition proved abortive, yielding little by way of spoil beyond a stone statue of a man wearing an apron of palm-leaves and carrying a ball in his hand, which the sailors carried away to Lisbon. In 1382 the Spanish captain Francisco Lopez was wrecked at the mouth of the Guiniguada in the Great Canary, where he, with twelve companions, passed seven years peacefully among the natives; but, some mistrust arising between them and their hosts, the Spaniards were put to death. The Canaries were exposed from time to time to frequent ravages from corsairs and adventurers of all kinds. An official document found in the Escorial by M. d'Avezac, embodying the results of inquiries set on foot in 1476 by Queen Isabella of Castile as to the respective rights of pretenders to the possession of the Canaries, declares it to have been from two French adventurers who had made incursions there in company with Alonso Becerra, a Spaniard, that Bethencourt derived the information which prompted him to the conquest of the islands. This fine old Norman gentleman was of ancient and noble lineage, lord of Grainville la Teinturière, in the Pais de Caux, and baron in right of his castle of St. Martin la Gaillard in the Comté d'Eu, which was taken and retaken several times in the wars with England, its final siege and ruin taking place, writes Monstrelet, in 1419. The history of the family was traced with care by Bergeron, and followed up by the enthusiastic labours of a recent Norman antiquary, the Abbé Cochet, the only man of his age to show much interest in the local glory of the conqueror of the Canaries. Of the manor-house at Grainville, where he died in 1425 while preparing for a further visit to his seat of govern-

\* *The Canaries; or, Book of the Conquest and Conversion of the Canarians in the Year 1402, by Messire Jean de Bethencourt, Et.* Composed by Pierre Bontier and Jean le Verrier. Translated and Edited for the Hakluyt Society by Richard Henry Major, F.S.A., &c. 1872.



ment, only the moat and a vestige or two of masonry remain, nor in the church where he was buried in front of the high altar was any memorial to be found until the pious Abbé erected in 1831 a black marble slab bearing his name.

In the narrative of the adventures of Messire Jean de Bethencourt there is much quaint and picturesque beauty. The simple style of the good friars recalls the pure old French of Froissart or Monstrelet. The title of their book, *Le Canarien*, has been rightly restored by the present editor from the text of that drawn up by Galien de Bethencourt in his MS. of 1625, in accordance with the intention of the writers. Eyewitnesses of their master's prowess and wisdom, as well as sharers in his privations, in company with his able lieutenant Gadifer de la Salle, the chaplains give a graphic picture of the islands and their people, with their own progress towards their conversion, including a summary of the faith drawn up expressly for the use of native catechumens. It is sad to think that this simple and interesting race was all but wholly swept away within a century of that date by the deadly disease called the *modorra*. During the second visit of Bethencourt the "Saracen" King of Lancerote came to be baptized, receiving the name of Alphonso, followed by all his people. The two native Kings of Fuerteventura had already embraced Christianity. But by this time the virtual sovereignty of the islands had been conferred upon Bethencourt by the submission of chiefs and people, his title thereto being recognized on his doing homage to the King of Castile. In his attack upon the Grand Canary he had less success, being repulsed from the shore with the loss of two-and-twenty knights and men. The remaining islands were reduced by him to a state of order and administration, which his chaplains chronicle with infinite praise. In the hope of retaining the island sovereignty in his family for ever, he established his nephew, Maciot de Bethencourt, having no son of his own, in all his rights and dignities. He sailed for Spain in the winter of 1405, and was graciously received by the King, with whose letters commendatory he sought the blessing of the Pope, and obtained from his Holiness a bishop for the Canaries, Albert de las Casas. On his travels he was generally hailed as King of Canary. The later fortunes of the islands on their sale by Maciot, to the time of their finally passing in 1749, after much contention with Portugal, under the sway of Spain, are briefly but clearly traced by Mr. Major, who deserves our thanks for the light he has thrown upon a little known page in the history of maritime enterprise.

#### AMOS ON JURISPRUDENCE.\*

THE systematic study of law is still upon its trial in this country, where the typical barrister is at no pains to conceal his contempt for theory in general and for professors in particular. It was therefore with some anxiety that we opened a new book upon jurisprudence by a professor of the science. Mr. Amos's work will however, we imagine, do little either to popularize or to retard the study of theoretical law, in the history of which its appearance will certainly not mark an epoch. What Mr. Austin did forty years ago was really a great achievement. Equipped merely with the philosophy of Bentham, with a few chance remarks of writers like Hobbes and Locke, and a somewhat superficial acquaintance with the German civilians, he resolutely thought out for himself a logical system which, in spite of gaps and roughnesses of execution, must ever have a permanent value. He determined, in many respects once for all, the "Province of Jurisprudence." With a firm hand he mapped out its boundaries; and, regardless of strangeness of diction or repetition of argument, he elaborated to over-elaboration certain portions of its contents. The limits of the subject having been thus trenchantly drawn by a thinker whose infinite faculty of taking pains approached, as nearly as such a faculty ever can, to genius, it remained for his successors to cultivate methodically and in detail the field which he had enclosed. After the *Province of Jurisprudence*, the next desideratum was undoubtedly a "Systematic View" of the science; and with this Mr. Amos undertakes to present us. We cannot say that we think the undertaking has been successful, or that Mr. Amos displays those qualities which are essential to success in such a work. To write a systematic view of anything, it is necessary that the writer should possess a systematic mind, and a power of severely restraining it from wandering into irrelevant topics. Such a power of self-restraint is conspicuously absent from the volume before us, more than one-fourth of which is occupied by chapters upon Public and Private International Law, and upon other matters which have but a faint connexion with the main subject of the work. It was doubtless necessary to explain clearly what is meant by international law, but observations upon the Treaty of Paris, the possibility of arbitration, the Geneva Convention, the effect of modern improvements in warfare, the disabilities of women, the exercise of the prerogative of pardon by the Home Secretary, and the French verdict of extenuating circumstances, have hardly a conceivable place in a Systematic View of Jurisprudence.

The surplusage of a few desultory chapters might however be pardoned if the main body of the book were sound and satisfactory. But what shall we say of a jurist who arranges his

subject under the following heads?—(1) Constitutional Law; (2) Ownership; (3) Contracts; (4) Special Classes of Persons; (5) Civil Injuries and Crimes; (6) Procedure. It is true that most of these topics are entitled to separate consideration; but thus to coordinate them is about as logical a proceeding as to divide animals into quadrupeds, horses, men, ponies, and goings. Yet this fortuitous scheme of distribution rules the whole book, and necessarily disfigures it. The systematizer who sets to work without having familiarized himself with the use of dichotomous division is doomed to failure. It is impossible to map out a subject logically by selecting first any portion of it which may seem to be susceptible of separate treatment, and then another, and another, till no further group is distinguishable unless it be of a residuary and miscellaneous nature. But apart from the manner in which the distribution of the science is executed, the basis upon which the distribution rests is most unsatisfactory. It is, we are told, "the quality of the acts which the laws affect to control"; or, as we are elsewhere informed, "the social and political purposes for the accomplishment of which the different classes of laws composing a legal system have come into being, and to subserve which they continue to exist, or are from time to time consciously amended." It is not easy to see how these statements are consistent with one another, or to deduce from either of them Mr. Amos's sixfold division of his subject. And it is not a little wonderful that Mr. Amos should deliberately prefer to build upon the shifting "quality of acts," or the "social and political purposes of laws," rather than upon the solid and tried foundation of Rights or Duties. Inconsistent however even in his inconsistency, when he proceeds from the main to the subordinate divisions of law he deserts the test of the "quality of acts," and adopts what he calls "a technical basis, consisting of Rights and Duties conjointly." And it may be remarked that even here Rights and Duties are constantly shifting their places. "In some departments of the system Rights will take the lead, in others Duties." So entire an absence of method is of course fatal to the value of the work as a system. Upon detached points, however, Mr. Amos is frequently unobjectionable, and occasionally instructive, though beset by an ill-suppressed tendency to talk social science rather than law. Adopting the Professor's own order, let us see how he treats of the several topics into which he divides his subject.

What is said of "Constitutional Law" calls for little remark, except that one misses in it any disquisition upon the vexed question whether the State can be said to have any rights against its subjects, and whether, consequently, the duties of the subject to the State are relative to such rights, or are, as some will have them to be, "absolute"; and that here, as elsewhere, several pages containing mere descriptions of the positions which certain topics should occupy in a body of law, strike one as having accidentally strayed into a treatise on Jurisprudence from some sketch of the arrangement of a code. Under the head of "Ownership" we find much more startling matter. Upon many questions in jurisprudence it is open to the jurist to take which of two contradictory views he may choose; but in identifying "Ownership" with *jus in rem* (which, by the by, he seems to take for a term of Roman law) Mr. Amos is guilty of something far worse than heresy—he makes a serious mistake. The confusion becomes still more astounding when he proceeds to divide ownership into *dominium*, which is really the Latin equivalent for ownership, and usufruct, possession, &c., where the characteristic fact is that the usufructuary, possessor, &c., is not the owner. It will scarcely be credited that the rights of carriers are here treated as a branch of the law of ownership. While Mr. Amos has so very imperfectly grasped the significance of the terms with which he deals, he goes out of his way to tell us, as if enunciating a universally received axiom, that "it is only at the last climax of civilization that the truth begins to be apprehended that the only justification of proprietary claim is a special call to a more devoted and concentrated service on behalf of those who do not share in it."

The chapter on "Contracts" is the best in the book. Parts of it indeed are admirably done. Mr. Amos uses the term in its narrower sense, as equivalent to what Savigny calls the "obligatory" contract; and he is perhaps right in so doing, especially as his illustrations were to be drawn from English law, to which the wider sense is almost unknown. He has avoided Blackstone's mistake of treating contract as little more than an incident of the acquisition of ownership, but he is quite wrong in attributing this mistake to "the artificial and accidental division of the Institutes of Gaius and Justinian." Mr. Amos must know that in those treatises the topics of acquisition and of contract are kept as wide apart as possible. The topic of "Marriage" is discussed very sensibly, assuming always that it ought to be considered as a contract at all, in the narrower sense of the term.

If the treatment of contract leaves little to be desired as far as it goes, that of the "law affecting particular persons" appears to us to be highly misleading. It is true that while Mr. Amos follows Austin in postponing the "law of persons" to the "law of things," which is practically the whole law less the law which deals with peculiarities of personality, and states the reasons for so doing with much perspicuity, he has the courage to reject Austin's eccentric and inconvenient deduction of the whole of public law from the law of persons; but then he mixes up this topic inextricably with what is really a very different one—the law of Family. The legitimate subject of the law of persons is the variety introduced by differences of personality into

\* *A Systematic View of the Science of Jurisprudence*. By Sheldon Amos, M.A., of the Inner Temple, Barrister-at-Law; Professor of Jurisprudence, University College, London; Tutor to the Inner Temple in Jurisprudence, Civil Law, and International Law. London: Longmans & Co. 1872.

the various possible legal relationships; which may, however, exist without such differences. Those varieties in personality which are themselves of the essence of legal relationships are the proper matter of what the Germans call Family-law. Under the head of "Special Personality" Mr. Amos introduces barristers and attorneys, who are no more entitled to such a position than auctioneers are, and takes the opportunity of indulging in a page of un-called-for observations upon the relative status of the two branches of the legal profession; telling us, for instance, how "It is worse than detrimental—it is destructive—to the morality and to the honest aspirations of a great profession, for the State to apportion a different meed of social dignity and appreciation to functionaries of one class from what it apportions to those of another." Corporate bodies "for municipal, ecclesiastical, educational, and eleemosynary purposes," are naturally grouped together as a head of special personality; but Mr. Amos curiously enough does not see that their claim to such treatment rests, not upon the public functions which they discharge, but upon their artificial personality; a reason which should bring companies and commercial corporations of all kinds equally into the class from which they are expressly, though unaccountably, excluded.

The very title of the chapter on "Laws of Civil Injuries and Crimes" prepares one for a confusion between the boundaries of these two conceptions. Here again Mr. Amos errs from perversity. Knowing, but rejecting, the cardinal distinction between public and private law, law treating of the constitution of the State, and its relations to its subjects, and law treating of the relations of those subjects one to another, he is of course blind to the difference between offences against the State and against the individual. This chapter is also disfigured by the natural results of the principle avowed by the author, that some kinds of rights are best discussed as such, while others should only be treated upon the supposition that they have been infringed. He does not, in fact, appreciate the salutary distinction drawn by Austin between rights primary, which are given for their own sakes, and rights sanctioning, which are given merely by way of compensation when the former are violated. The chapter on "Procedure" would be wholly praiseworthy did it not towards the end display that tendency to irrelevancy which, as we have already stated, runs riot in the chapters upon International law and things in general which occupy the remainder of the work.

While turning over the pages of the *Systematic View* we have encountered sundry references to Roman law, of a sort which fails to inspire us with much confidence in the author's attainments in that direction. *Possessio naturalis* is not, as it is stated to be, physical contact; a pupil did not stipulate as agent for his tutor, nor were women, as seems to be implied, under tutelage in the later Roman law; no civilian would employ the here constantly recurring phrase, "*patria auctoritas*"; nor would a scholar of sensitive ear misquote the well-known couplet on the cause of the multiplicity of laws, so as to make it end "*crescit in orbe scelus*." While, however, we have freely criticized Mr. Amos's book, we are not unmindful of its merits. The author has a true and clear conception of the nature of jurisprudence, or he would not have so happily described it as the "skeleton grammar of law." Another creditable feature of the book is that it is continuous. It has a plan, though one which appears to us to be very objectionable, and it is in obedience to this plan that what with most jurists is the all-important topic of "Rights" is dismissed in a couple of pages; a reason which, however, will hardly account for the extremely brief notice accorded by Mr. Amos to the difficult and interesting subject of "custom" as a source of law.

The author's style is easy and agreeable, though this is not quite an unmixed advantage. It is true that where Austin halts or retraces his steps, Mr. Amos moves smoothly forward, skating over dangerous places in such a way as, one knows not whether by skill or by good fortune, to escape a serious fall. But this sort of writing upon an abstruse subject, though superficially pleasant, is not ultimately satisfactory. In the work before us we find much literary adroitness, many reflections of the light and shade of modern controversy, many allusions to the views of the great teachers of the science; but all is provokingly vague. Hypothesis blends with history. Throughout the volume there is not a single reference to authorities. Upon the whole, we shall be surprised if "the keen-minded members of the author's successive classes" are at all eager to accept the "share in the responsibility or the merit of attempted innovations," which is tendered to them in the preface. A general view of jurisprudence may be got much more quickly from Mr. Amos than from Mr. Austin; but the information obtained from the former will be blurred in outline and loose in texture, and the reader's own mind in obtaining it will remain unstimulated; while knowledge derived from the latter will be perfectly precise, and its very deficiencies will co-operate with the rugged style of the great jurist to develop the student's own powers of sustained reasoning.

#### AUTHORS AT WORK.\*

MR. PEBODY tells us in his preface that, when reading a favourite poem or novel, he has often asked himself how, when, where it was written? In the attempt to answer these

questions—and most people of any literary taste must have frequently asked the same—he collected "a mass of personal chit-chat and anecdote which cannot fail," as he thinks, "to be equally interesting to every one as it was originally" to him. We hope that it may, though "every one" is rather a large word. Mr. Pebody writes pleasantly, if not with any surprising power, and though most of his gossip is tolerably familiar to students of the English literature of the early part of this century, it is agreeable to have it brought together in a presentable form. The authors with whom Mr. Pebody deals are Jeffery, Scott, Burns, Lamb, Sheridan, Sydney Smith, Macaulay, Byron, Wordsworth, Moore, and Mackintosh. Mr. Pebody adopts the doctrine which Balzac's celebrated phrase about critics and authors has made familiar; he declares criticism to be, as a rule, poor trash, and thinks that there is scarcely any critic whose works the world would care to peruse. The saying is obviously exaggerated. Criticism is of course a parasitic plant in literature; and men who can do original work will not care to spend much time in talking about other people's. Still many of the greatest of modern writers have shown their powers in criticism, and have left much which is worth preserving. With them, of course, Mr. Pebody does not claim to be ranked; and we ought to be content if he adopts the view of the great men described which finds favour with the most appreciative readers. On the whole, we have not much fault to find with him in this respect. With an exception or two, to be noticed directly, he reports pretty fairly the verdict which will probably be adopted by posterity. It is not, however, chiefly as criticism that this volume claims our attention. It is, properly speaking, a study of the methods of working adopted by eminent writers; and if any general moral could be derived from a series of desultory notes, the youthful aspirant should learn from Mr. Pebody how he ought to divide his time, what are the most propitious seasons for writing, what the degree of polish to be bestowed, and so on. The difficulty, indeed, of drawing a moral would in any case be considerable; for the most conspicuous fact is that no two writers adopted the same methods. Some work best in the open air, and some in a midnight study; some upon gin and water, and others on coffee or cold water; some turn out so many lines a day with the regularity of a machine, whilst others can only work in spasms of passionate effort to be succeeded by long periods of repose. In short, the only rule seems to be that every man should do what is good in his own eyes.

There is another doctrine maintained by Mr. Pebody which, if true, would diminish some of our interest in seeing great authors at work. He seems to think that by some strange perversity of fate great men at home are entirely different from their own selves in public. He gives us various instances, as of course a man may give instances of anything, to prove that we should be grievously disappointed if we could do what he wishes to enable us to do, and see our favourite authors as they were seen by their intimates. This is a very pretty paradox to put in a popular essay, but it is in reality of the flimsiest kind. Running over the list of Mr. Pebody's authors, we feel that there is not one in whom what we know of his private character conflicts with what we should have inferred from his work. The examples which he quotes are merely made to appear strange by tricks of language. What is to be said to such a remark as this?—

No man was more distinguished by his good-breeding and suavity than the author of the *Revolt of Islam*, and when all England was standing aghast at his most profligate poem, one of his companions tells us, in a phrase which might almost be stereotyped for men of his temperament, that he was the mildest and most tolerant of men, and as perfect a gentleman as ever crossed a drawing-room.

We are quite unable to see the strangeness of the supposed contrast, even though both terms in it are misstated. Would anybody, after reading Shelley's poetry, really expect him to be a swearing, drinking rowdy, as Mr. Pebody seems to fancy? are not sensitive visionaries apt to be suave and gentle in their manners? and, in short, is not the Shelley of the biographer as near to the ideal of Shelley which any reasonable man would have formed from his works as could possibly be expected? Mr. Pebody seems to have caught the trick of paradox from Macaulay and to be applying it with very little reflection. A similar anxiety to be smart rather than thoughtful seriously injures some of his essays on more vital matters. He wants, for example, to describe for us Byron's mode of writing. He begins by quoting with the utmost seriousness some of Byron's affected expressions of contempt for his own works. He fully believes that *Childe Harold* when written was not intended for publication, and believes it because Byron says so. Of course this strikes him as odd, and he proceeds to show that Byron took the greatest possible care in correcting the very pieces which he declared to have been thrown off at the heat of the moment. Byron, for example, boasts that the *Bride of Abydos* was written in a week, or, as he says in his *Diary*, in four nights. To the rough sketch, however, there were added two hundred fresh lines before it appeared to the world, and they included some of the most striking touches in the poem. Mr. Pebody's comment is singular. "Byron as a poet," he says, "and Byron as an artist, formed one of the most striking and perplexing of antitheses"; and he adds afterwards, "It is no part of my business to reconcile the poet with the artist." We should have thought that it was his business; but at any rate the problem seems to be easy

\* *Authors at Work*. By Charles Pebody. London: Allen & Co. 1872.



enough. Byron, it is plain, liked to write in a state of excitement, as might naturally be inferred from his style; but he afterwards corrected, polished, and improved. There is nothing at all singular in this, and the only strange thing is, that he chose to express great contempt for the poems about which he took so much pains. But neither is this a very surprising or unparalleled phenomenon. Part of Byron's objection to the style in which he worked may have been genuine; but undoubtedly a large part of it was simple affectation; and Mr. Pebody must be a very innocent critic if he has now to discover for the first time that poets in general, and Byron above all other poets, have been very much given to sham modesty, and to representing elaborately prepared works as impromptu performances.

Another criticism on Byron seems to err in the opposite direction. Mr. Pebody considers him to be a plagiarist. The proofs which he alleges are that the first scenes in *Manfred* are "identical" with—we should have rather said have a strong resemblance to—the first scenes in *Faust*; that *English Bards and Scotch Reviewers* was modelled upon the *Dunciad*; that the paraphrase of the Art of Poetry was worked out upon a suggestion of Dr. Johnson's; that the character of Sardanapalus was taken from the portrait of Otho in Juvenal; and that Don Juan is a copy of the page in the *Marriage of Figaro*. On this showing no poem that ever was written is original. Shakspeare was a gross and systematic plagiarist; Milton borrowed from the Bible; Shelley did not invent the character of Beatrice Cenci; and if Byron borrowed from Goethe, Goethe had himself borrowed *Faust* from older authors. The originality of a poet does not consist in inventing new themes, but in investing old themes with new charms; and it is no more desirable that he should evolve characters out of his own consciousness than that he should describe thunderstorms or mountains without seeing them. In his essay on Tom Moore Mr. Pebody appears to accept this singular theory. Speaking of *Lalla Rookh*, he says, "This feat of Tom Moore's is, I believe, the highest feat ever performed by the imagination." The judgment is the more surprising because he afterwards tells us, very truly, that Moore's reputation has vanished, and that but for his songs, of which, we may add, a whole collection is inferior in value to a single vigorous stanza of Burns, "the author of *Lalla Rookh* would to-day hardly keep his rank as a poet at all." How then can *Lalla Rookh* be the "highest feat ever performed by the imagination," higher, let us say, than the poetry of Byron, Shelley, Wordsworth, Keats, Milton, Spenser, or Shakspeare? The answer seems to be, that Moore described the valley of Cashmere without seeing it, whereas other poets had seen what they described. But if the description is after all so incomparably inferior that it would scarcely entitle its author to be called a poet, what does it prove? All that it really proves, we take it, is simple enough. It proves that, as Moore was a very fashionable poet for a time, his acquaintance paid him very preposterous compliments, and, amongst them, the very obvious one of declaring that his descriptions of places he had never seen reminded them of the reality. Of course people who had seen Cashmere felt that they had an admirable chance of saying a civil thing, and they said it; but that is not an unprecedented circumstance. Nobody would say, except in a popular essay, that Moore's description of the East, however little founded on observation, shows powers of imagination at all comparable to those which Wordsworth displayed in describing scenery with which he was intimate. To describe badly a thing you have not seen is not really so great a feat as to describe well what you and everybody have seen.

The little tricks of style which are meant to give brilliancy to his essays are rather annoying, but on the whole we have no great fault to find with Mr. Pebody. If he is occasionally commonplace and given to flashy paradoxes, he is amusing, and that is a great virtue. We cannot, however, take leave of him without remarking that he makes mistakes which we should have hardly anticipated in our venerable contemporary, the *Gentleman's Magazine*, where the essays originally appeared. Thus in the year 1802 Shelley was not at Harrow, for he was never there at all. Dickens, Thackeray, Disraeli, and Lord Lytton, it is true, were "hardly as yet out of their cradles," but for the excellent reason that they had not yet got into them. Richardson and Hume had not been distinguished for their genius "ten or fifteen years before," for Hume had been dead for a quarter of a century, and Richardson forty years. Keats, again, was not, as Mr. Pebody thinks, the author of the phrase "the sessions of sweet silent thought," but a still more distinguished poet. And "Burke, Gibbon, and Goldsmith" were not members of the Kitcat Club, inasmuch as it was dissolved before they were born. And, finally, when Mr. Pebody tells us that Mackintosh on his visit to Beaconsfield saw Burke "rolling about the carpet with his children," he surely might have remembered that Burke's closing years were saddened by the death of his only son, which had happened before this visit, and when the son was a good deal too old to roll upon carpets. The mistake is simply that the possessive pronoun is superfluous.

#### MODERN GREEK LIFE AND FOLKLORE.\*

THE judges appointed to award the Rhodokonaki philological prize in the University of Athens did well when they proposed to the competitors the task of comparing the habits, customs, superstitions, and general traditions of the existing Greeks with the records of the habits and superstitions of their forefathers left to us by ancient writers. This subject, embracing obviously all usages relating to birth, marriage, and death, to magic, incantations, and divination of every kind, to dreams and riddles, to ghosts, fairies, and vampires, has called forth an essay by Mr. Polites, who has divided his work under the four heads of modern Hellenic mythology, divination, social customs and rites, and, lastly, of the comparative philology of the modern and ancient dialects. Of these four sections, the first alone is at present published, the great cost of printing at Athens making it necessary to postpone the appearance of the remaining sections. The preface gives, for the amusement perhaps of some readers, the opinion of the judges, who in awarding the prize enter into minute criticisms of clerical and other mistakes found in the essay, and take the author to task, not only for sending an almost illegible manuscript, but for odd phrases such as ἀγνοῶν καλῶς, when he should have said μὴ γινώσκων καλῶς. The answer of Mr. Polites, who defends himself in a series of running comments on the decision, is that time failed him to copy out his essay, and that on many points the examiners are themselves mistaken. But we are concerned here neither with the criticisms nor with the reply to them; and therefore we go on at once to remark that the topics of this portion of the work, comprising the heavens, the earth, the elements, the Olympian divinities, the gods of the sea, and the beings who dwell on the earth (whether as Kalikantzaroi, Nereids, Stoicheia, Dragons, or as Stringlai, female spirits who devour children, &c.), cover the field which has been examined by many German and English writers, and most recently by Professor Bernhard Schmidt, whose first volume on the life and folklore of the modern Greeks was noticed not long since (March 2, 1872) in the pages of this Review. Mr. Polites expresses his regret that this volume was published after his own was in type; but as long as any solid results are gained, independence of research obviously increases their value; and the present volume not less than that of Professor Schmidt may be regarded as proving, if proof were needed, not only that the modern Greek folklore contains Slavonic as well as Hellenic elements, but that the latter element vastly preponderates in it. This fact may tempt many persons to think that the imputation of a general Slavism which has made the name of Fallmerayer hateful to modern Greeks is conclusively met. If we can scarcely venture on so broad an inference, we may at least say that this ascendancy of the old mythology, like that of the ancient language, proves that the Hellenes of the middle ages had not lost their old power of enslaving or absorbing their conquerors.

These two points, then, may be looked upon as established—first, that the folklore of the modern Greeks has assimilated some but no large amount of material from Slavonic, Semitic, or other sources; and, secondly, that there has been no break in the continuous life of the Hellenic people, and that in their habits, their superstitions, and general tone of thought, they represent the Greeks of the days of Polybios or of Perikles. But in a country which once at least possessed a mythology so astonishingly rich and varied, the main point of interest is not so much the evidence for the proposition that the new folklore represents the old, as the extent to which the old mythology dwells in the memory of the people. To this question neither Professor Schmidt nor Mr. Polites furnishes any positive answer; but if we are to take the pages of the latter as containing all that is now popularly believed on the matters examined in it, we shall wonder not that so much has been remembered, but that so little has been retained. We are not speaking of the legends which were moulded into an abiding shape by the lyric, epic, and tragic poets of Hellas. These were obviously removed from the influence of the changes which must always be at work in modifying the beliefs and opinions of the people, and therefore were more likely to be forgotten by them. But no one who will go through the old historians and mythographers can rise from the task without the conviction that a vast amount of popular tradition was never appropriated by the poets, and that in the dry pages of Pausanias or Apollodoros we have the skeletons of myths as beautiful as any of those which breathe an exquisite music in the lays of Pindar, or assume a marvellous grandeur in the majestic eloquence of Æschylos. We cannot fail to see that in the tale of Psyche and Eros in Appuleius we have an Hellenic version of the story of Beauty and the Beast, of Urrasi, and many another heroine of Eastern and Western tradition; but neither this story nor that of Kephelos and Prokris, or a hundred others that might be named, found their way into the written poetry of the Greeks, and it is a matter of great interest to ascertain how far they have been preserved in the unwritten traditions of the people. If Mr. Polites has given us all that the common folk still say and think about the heaven and the stars, the sun and the moon, the conclusion would seem to be that the most beautiful features of the old myths are just those which have suffered most from the wear and tear of ages, for it may perhaps be doubted whether the introduction of Christianity was the cause of any violent changes. The popular

\* Μελέτη ἐπὶ τοῦ βίου τῶν νεωτέρων Ἑλλήνων. ὑπὸ Ν. Τ. Πολίτου. ἐν Ἀθήναις. 1871.

opinion, which Xenophanes put forth as a scientific explanation, that the stars are lamps lit at night and put out in the morning, scarcely belongs to the province of mythology; but if this is all that the people have to say of the nightly heavens, we can scarcely wonder that they remember nothing of Endymion in his dreamless sleep, or of his bride, the moon, who wanders through the sky as Asterodia, attended by her fifty daughters, like Ursula with her legion of virgins. The notion still lives, it seems, that the heaven is a vault or dome, through openings in which the rain is let down from pitchers or sacks; but this again is less a myth than an attempt to account for phenomena on rational grounds. The myth would be the old marriage of Ouranos, who descends each night to the wife over whom he has bent lovingly during the day; but in place of this we have the foreign notion (be its source Semitic or any other) that the heavens are seven in number. As to Helios, the myths of Klymenê and Phaethon, and still more those which sang of the birth of Phoibos in Delos, of his westward wanderings, and of his daily return to the cliffs and hills which he loved, have given way to notions borrowed from the history of the Prophet Elijah, in whom Mr. Polites sees a Semitic sun-god or fire-god.

In this case the importation of foreign ideas or names has given rise to a controversy between Mr. Polites and the judges who awarded him the Rhodokonaki prize, which much resembles the controversy of the knights about the two sides of the brazen and silver shield. In his essay Mr. Polites remarks that the mountain tops which in the old times were dedicated to Helios, or the sun, are now dedicated to Elias, a church of St. Elias crowning the summit of almost every hill; and that this identification was the result partly of similarity of sound in the names and partly of likeness of attributes. The judges, on the other hand, assert that the mountain summits were in the old mythology sacred to the Pelagic Zeus, whose name they see reflected in *Θεός* as well as in the Latin *deus* and the Sanskrit *devas*; and they infer that the likeness of the name Elias to Helios could have nothing to do with the growth of a notion which is sufficiently explained by the solitary sojourn of Elijah on the mountains, and his ascent to heaven in the fiery chariot drawn by the gleaming horses of the sun. If the question be one of any importance, it may perhaps best be answered by referring to other instances in which a Jewish or a Christian saint has been put in the place of an old Hellenic god. We may take St. Nicholas, who in the eyes of the modern Greek is invested with the powers and the features of Póseidon—an identification with which, according to the judges of this essay, the name of the saint had nothing whatever to do. Yet if we look to his acts, we find but little to connect the saint peculiarly with the sea, the story of his quieting a storm being no uncommon feature in Christian hagiography. But his name at once carries us to the myth of Odin, who as Hnilar and Nicor is the Northern water-god; who as Old Nick in sailors' language lives at the bottom of the sea; and whose kinsfolk are the Nixies of our streams and millponds. These names, it is true, spring from the same root with the Greek *νήξω*, to swim or float; and in this fact we have perhaps the reason of the transference of power from Póseidon to the saint, unless this also is to be set down to Slavic or other foreign influences. This catching at sounds seems to explain the growth of a large class of myths, of which that of the Scottish Columba may be taken as an example. At Iona the prayers of the saint were constantly needed by and offered for seafaring men, and the power which these prayers were supposed to have over the angry waters so invested him with the terrible majesty of the sea deities that mariners invoked him under the name of St. Qualm.

In some cases the resemblance of the ancient to the modern myth may be called more seriously into question. Mr. Polites mentions (p. 45) a popular fancy according to which a newly born maiden, escaping from her cradle, devours her father's horses and then lies down again. In this he sees the old story of Hermes and the theft of the cattle of Phoibos. But we may surely accept the Homeric hymn as giving more trustworthy evidence of the nature of the ancient myth than the dry and comparatively recent compilations of Apollodoros. The latter, it is true, speaks of Hermes as devouring part of the cattle which he stole; but in the hymn the very essence of the story lies in the fact that although Hermes can rub the branches of the forest trees together until they burst into a flame, and though he can kill and cook the meat, yet in spite of a craving hunger he may not taste the savoury banquet whose odour only adds to his misery. Hence the modern story may simply reflect the proxy comments of Apollodoros, and both may betray the process by which the most prominent characteristics of the primitive myths fade gradually away until in the end they may pass clean out of mind.

The same catching at sound which substituted the prophet Elias for the Greek Helios transferred to the saint Dionysios the powers of the wine-god Dionysos; and so the story grew up that, as the Christian saint journeyed to Naxos (the centre, by the way, of the old Dionysiac worship), he saw at his feet a small but beautiful plant, which he wished to carry away with him. Fearing that the heat of the sun might scorch it, he placed it in the thighbone of a bird and went on his way. The rapid growth of the plant soon made it burst out at each end of the bone, and his old fear led him to cast away the bone of the bird, and to take in its stead the thighbone of a lion. This also proved to be too small, and he threw it aside for the thighbone of an ass, which he was lucky enough to find. In this bone he succeeded in bringing the plant to Naxos, where, as the two stuck inseparably together, he was

obliged to bury the bone with the plant, which speedily grew up and yielded splendid grapes. Out of these he made the first wine; but to his amazement, when he let the people of the island drink of it, they first sang like birds, then grew as strong and fierce as lions, and lastly became as asses.

But if in the modern mythology generally the finer features of the old myths have been either lost or made to assume a coarser shape, the more recent myths still remain in many instances singularly true to the phenomena which suggested them. In the process of transformation the Nereids have lost in greater or less degree their watery character, until they are confused practically with the nymphs of the old Greek and the Fairies of our Northern mythology. As the Venus of the Horskberg, or the fairy queen of Ercildoune, bears away Tanhäuser or True Thomas to the forest or the cave, so the Nereid carries to her secret haunts the man whom she chooses to be her mate. But the Nereid becomes further, like Penelope, the weaver; and her net is woven to the exquisite music of her voice—a vivid image of the light summer breeze as it weaves its network of cirri clouds high up in the blue heaven.

In short, Mr. Polites has learnt much by applying to the existing myths of his own country that method of comparison which may fairly be regarded as one of the greatest discoveries ever made; and his readers will have much to learn from him. We might perhaps have wished rather to know the full extent of modern Greek folklore, and thus to ascertain precisely how far the old myths survive; but his book, as all books must be which diligently and honestly bring together scattered or forgotten facts, is a valuable and welcome contribution to the science of comparative mythology.

#### FLEURANGE.\*

TIME was when French romance watched the world with noble qualities, and was in harmony with that balance of faith, of valour, and of science which in the seventeenth century gave to the country of Vincent de Paul, Condé, and Descartes the foremost rank among Continental nations. There is always in that country ground for hope of literary revival, even in the domain of yellow-covered story books, thanks to the high standard of style religiously maintained by writers of the first class. We in England hardly appreciate the value of absolute correctness in language, as is shown by Royal Speeches and misunderstood treaties; but the part played in European annals by France is largely owing to the precision of its terms. Exact speech is a precious tradition preserved by the Abdels of the Academy, through the flood of slang, of "romantic" writing, and of vulgar manners that has inundated Western Europe. The strict rules that governed the dramatists of the seventeenth century have still an indirect influence on French novelists. The neat plot, the rapid action, and unity of composition which distinguish French fiction are wanting in our over-realistic stories. With one or two exceptions, romance has not been treated by our writers as an art; they gratify themselves byrodomontades now moral, now vicious, and English readers indifferent to the ordering of a crowded plot know not the satisfactions of balanced and harmonious art. But since the days of the Regency fiction has necessarily been in France a forbidden joy to well-trained youth, and so a fruitful influence for good was spoiled. Freed from responsibility, the majority of novelists have competed for the prize of superior license. The few and insignificant goody tales produced by French writers have been sicker stuff than we who have not yet fallen into those extremes can well imagine; immoral from morbid religiosity, and about as artistic as the *objets de piété* sold outside Paris churches. In vain the wiser chiefs of good society wished for a school of fiction such as was our English romance in the first half of the century. Even the author of *Sybil* drifted into *M. de Camors*, and About could not refrain from *L'Infâmé*. It is then an event in French light literature that a novel of society, containing highly dramatic situations and scenes of concentrated, if pure, passion has been produced, which girls may read without consciousness of moral backboards and seminary hygiene, and which scholars can enjoy because of its accurate and finished grace of style. *Fleurange*, by Mrs. Craven, is worthy of the most *précieuse* drawing-room, and yet it has power and "go" enough to satisfy the ogre of the day who bolts his three volumes of criminal mystery in an afternoon.

We have not lately been favoured on either side of the Channel with a romance which ventures with easy grace into the private rooms of Royalty, and, without either snobbish depreciation or snobbish awe, includes the biggest wigs in its *dramatis personæ*. Lords and ladies are abundant in our fiction, but they have been chiefly studied from the Ascot or watering-place points of view, or at best painted in smoking-coat and extreme undress. Readers are introduced by the backstairs to high life, and every element of dignity is got rid of assiduously in the effort to attain a spurious realism. There is always a special charm in pictures of good society, and though the figures in them be not powdered and rouged as in the "Rape of the Lock," we have learnt to be thankful when modern authors dress their puppets suitably. The "nice conduct of a clouded cane" is probably beyond the descriptive powers of any living writer, but it is comforting to meet with refined ladies and

\* *Fleurange*. By Mrs. Augustus Craven. Quatrième édition. Paris: Didier et Co. 1872.



gentlemen in the dreamland of creative art. The heroine of Mrs. Craven's book, whose father, a French artist, had given her the Italian name of Fior Angela, or, in his own language, Fleurange, acquires herself with well-bred grace alike in the learned domesticity of a German Professor's home, in the magnificent Florentine palace of a Russian princess, and at the Court of St. Petersburg. The author's knowledge of the European world is rare, and whether we follow her to the Italian convent where Fleurange was trained, or to the presence of the demigod Nicholas, we feel equally well introduced. She is less at home in the Frankfort family than in the Lamianoff palace, and the manners of her two angelic Germans were probably deduced from her inner consciousness.

The memoirs of her family, published some years since under the title *Le Récit d'une Sonnette*, explain Mrs. Craven's opportunities for social study. The daughter of M. de la Ferronays, ambassador at the Russian Court after the Bourbon restoration, Mrs. Craven, when she describes the intrigues of St. Petersburg, is truthful as only a writer conversant with the Czar's interior could be. The wife of a diplomatist, her wide experience of European manners gives a breadth as well as accuracy to her sketches which certainly no English writer with whom we are acquainted has attained. Her Italian Marquis—

un de ces hommes qui causent bien de tout, et qui savent intéresser au sujet dont ils parlent, quel qu'il soit, comérage de société, nouvelle politique, ou question sociale et littéraire, et n'ayant d'autre défaut que celui de traiter tous ces sujets avec une importance égale comme si tous lui semblaient d'un égal intérêt—

is a finished portrait, and distinctly Milanese both in his experiences of abortive conspiracy and in his good sense. The Princess Lamianoff, an undisciplined yet highly polished despot, ostentatious and vain of her good taste even in the selection of her ornamental companion Fleurange, yet keen-witted to play with a certain grandeur her part as great lady, violent almost to blows, yet working towards her ends by intrigue, subject to the vapours of the most advanced civilization, yet enduring as a Cosack, is equally true to her race and her rank in the Slavonic Court. Her son, Count Georges de Walden, Republican from ennui—amorous and inconstant, a slave to his fancy for the dependent heroine until it is proved to be seriously inconvenient; obstinate to his mother, but weak to everyone else; possessed of taste, but not of earnestness—is probably truer to life than the self-contained and patient lover Clement Dornthal, the author's favourite among her studies of young men. She has made him ugly, poor, and German, but redeems his defects by his staunch virtue. He is of super-refined "blood and iron" mingled in due proportions, and the author set herself a difficult task which she has well performed in the elaboration of so unaccredited a hero. There is doubtless the charm of a very noble ideal about Fleurange's German cousins, but, notwithstanding financial cataclysms and a wicked young banker, it has perhaps too much of that sweet monotony which writers "in society" are apt to attribute to middle-class family life. It is quite true that distance is needed to give enchantment to our idealizations. Mrs. Craven, wishing to draw figures worthy of the golden age, has wisely chosen them of circumstances other than her own. Nor do we disapprove of the creation of imaginary personages, so long as their excellence is, however extraordinary, not unnatural. We have been satiated by feminine analysis of cool captains and Pall Mall Belials, and it is agreeable to have our faith refreshed by the Quixotism of a love such as Clement's, which takes for its device "Garder l'amour et briser l'espoir." The author indeed touches us that not Quixotism, but a calm will and sober judgment, informed by religion, purified his passion and strengthened the brave man in the unselfish devotion which taught him to live in daily companionship with the woman he loved, "without her, yet for her."

That he had other merits as a son and brother is natural, for virtues multiply by contact not less than vices. Both in him and in the heroine Fleurange self-control, courage, and good sense are prominent traits, and the practical uses of piety are shown with felicity. We have heard much of the enervating influences of conventual teaching, yet Mrs. Craven does not hesitate to make the Italian Superior of the house where Fleurange was trained for the struggle of orphan life a constant source of strength in its crises. We know few nobler passages in modern literature than those in which Mère Madeleine explains to her sorriest pupil that she must not seek shelter in a nunnery because life is difficult. The worst trials must be met with simplicity and goodwill—qualities that carried the girl safely through entanglements where weakness, however amiable, would have been ruinous. Though capable of a devotion which would follow her lover to Siberia that she might alleviate his exile, Fleurange never fails in judgment. Of a passionate temperament, reticence and womanly dignity preserve her from mistakes in moments of supreme trial. Love is the motive of the book, and the author has not feared to paint its extremes; yet when its current flows the strongest, she ventures to exhibit the superior powers that can turn back the tide on the heart. She does not conceal the after results of bitter stagnation—the acrid springs that overflow the waste of life—to be healed only as were the waters of Mar. To prove the temper of Fleurange, the author tries her in the hottest of all furnaces to which woman's nature can be exposed. When her long-restrained love was rightfully allowed its course; when utter sacrifice of herself seemed accepted; when her heart throbbed with the energy of fulfilled devotion; when fatigues of body and mind were passed, and the Czar's consent had been obtained to her marriage with the convict Georges de Walden,

sentenced to penal servitude in Siberia, she is required to make the saddest of all renunciations, the sacrifice of her sacrifice. Another woman, of higher rank, beautiful, and, in the world's estimation, a more fitting wife, usurped her hardly-earned rights, and secured for the egotist Georges pardon and prosperity, which he gladly accepted as the dowry of his influential bride.

The scenes in which Adelardi, his Italian friend, explains to the selfish lover the alternative of exile or marriage with the Imperial maid of honour, are only less admirable studies of character than that in which Fleurange's successful rival, the Countess Véra, suddenly reveals to the brave young girl the sacrifice required of her. Having reached the port of perfect happiness, as she believed, by her very love she was forbidden to enter it. Her conduct under the crushing blow is a beautiful study of womanly strength. Physically broken as the strain on her noble nature leaves her, she retains a dignity before which the Imperial favourite, herself a sufficiently fine character, shrinks. Stung by the sense of her inferiority, even jealous of Fleurange's last service to the man they both loved,

la voix de Fleurange était pourtant en ce moment irrésistible, et parlait à son cœur en dépit d'elle-même. Elle hésitait entre ces deux sentiments, lorsque Fleurange reprit:—"Vous avez raison, ce n'est pas à moi en ce moment à vous attendre, car vous n'avez plus rien, je crois, à me pardonner, et moi je vous pardonne tout." Et tandis que Véra demeurait encore immobile, la tête inclinée, Fleurange se pencha vers elle et l'embrassa.

The author does not hide the pain of Fleurange as the veil was thus stripped from the passion which had assumed in its ascetic self-abnegation an almost religious form; but, however sick at heart, she remained firm in act, and returned to the weariness of a life whence the beautiful idol had been banished without even the poor consolation of letting the prosperous Georges de Walden know what she had been ready to do for him. In her bitterness she wrote to Mère Madeleine, "Ma vie est dépouillée de tout ce qui peut me donner le désir de vivre." For the second time the wise nun denied her wish to enter a convent, in words so brave that we will quote them:—"Point d'affaissement sur vous-même, point de souvenir complaisant de vos désirs trompés, de vos peines souffertes." Having shown Fleurange in what her love for Georges de Walden had been wanting, she adds:—

Il est un amour de la terre qui, s'il allonge la route pour aller à Dieu, n'en détourne point cependant, et qui même par les vertus qu'il exige, par les sacrifices qu'il impose, par les souffrances dont il est accompagné, seconde souvent les plus nobles mouvements de l'âme.

Ingenuously planned as is the story, the charm of Mrs. Craven's writing is in the healthy nobleness of her conceptions of life and the perfection of her style. Roman Catholic literature is largely indebted to her for her representation of a practical religious power in the life of her hero and heroine while she avoids homilies and cant. Her feeling for natural beauty is in the same equal balance as in the landscapes of Raffaele and Perugino. Without exaggeration of sentiment, Fleurange always rises to the height of her position. The book in its unassuming form is worthy of a writer who possessed the long and brotherly friendship of Montalembert, and who lived in the intimacy of Madame Swetchine and Lacordaire. It is a pleasant surprise to us to learn that of her family memoirs twenty-four editions have been required, while within six months six editions of her latest work have been demanded. Not in vain has its author belonged to that best French world in which echoes of the seventeenth century are not altogether lost. Niece of the Duke of Blacas, grandniece and godchild of the Duchess of Tourzel, she is exceptionally fitted to continue the traditions of old France. A memoir of her father, the colleague of Chateaubriand and De Villèle in the Foreign Office of the Restoration, might in her hands be a useful contribution to the annals of the Drapeau Blanc. Meantime we thank her for a story which possesses merits of style, of plot, and of noble, yet correct, drawing rarely attained by our novelists. In *Fleurange* we have a French romance worthy of the elder French literature.

#### THE COTTON MSS.—APPENDIX XXVII.\*

IT would only be a futile endeavour to slay the slain if we were to attempt again to show up the surprising amount of errors committed by the compiler of this Catalogue of the Cotton Manuscripts. We can only regret that the thing was done exactly half a century too early. Had the Catalogue been drawn up in the middle of the nineteenth century, instead of being published at its very beginning, it would no doubt have been entrusted to competent hands; and authors, editors, and Calendarers of State Papers would have been saved an endless amount of labour. The defects of such parts of the Catalogue as refer to the reign of Henry VIII. are no doubt being gradually supplied by the labours of Mr. Brewer and his staff of assistants, who are engaged in drawing up the Calendar of State Papers for this reign. We are not, then, intending now to draw attention to the omissions or mistakes of Mr. Planta, who, after all, did his work quite as well as any other librarian or scribe would have done it who had, during the last few years of the eighteenth century, to devote his leisure time to compiling a Catalogue of such a miscellaneous collection of documents, original and copied, as had found their way into Sir Robert Cotton's possession.

\* A Catalogue of the Manuscripts in the Cottonian Library deposited in the British Museum. Printed by Command of His Majesty King George III., &c. &c. &c., in pursuance of an Address of the House of Commons of Great Britain. 1802.

We have on several previous occasions pointed out some of the absurd blunders with which this volume abounds.\* Our present object is to notice one of the volumes of this Collection which has received much less attention than it deserves. The volume entitled Appendix XXVII. must from its appearance in all probability have once belonged to the Royal Library. How it found its way into the Cottonian Collection we shall not attempt to decide. That question will perhaps be decided when it has been ascertained how so many documents which ought to have been in the former State Paper Office, and now really belong to the Record Office in Chancery Lane, have been transferred into the same Collection. At present we are concerned only with the contents of this volume. It is described by Mr. Planta fairly enough as *Codex Chartaceus, membranis quibusdam præfixis in folio constans foliis 192*. And, to give credit where credit is due, we are bound to say that we have not detected any error in the description of the fifteen different documents of which the volume consists, albeit they are of a very miscellaneous description, and arranged in most admirable disorder—documents ranging from the thirteenth to the seventeenth century being put together with scarcely any attempt at chronological order.

We purpose to notice only two of these documents, which, though they belong to the same period—there being exactly a year's interval between them—occur, one near the beginning, the other towards the end of the volume. Both are of considerable importance for the information they supply as regards the decision of Clement VII. to send a legate to England, and the proceedings of the Legatine Court held by Wolsey and Campeggio in the summer of 1529, in the matter of the divorce of Henry VIII. from Catharine of Aragon. It is almost unaccountable to us how, on a subject upon which so many writers have of late tried their hand, and so many documents have during the last few years been brought to light, no one should have noticed these two important papers. It is not of course surprising that writers of the history of Henry VIII. of the stamp of Mr. J. A. Froude should know nothing about these papers, or any other documentary evidence, but the omission of them from the recently published "Records of the Reformation" must be owing to some inadvertency on the part of the editor of those volumes.

The first of these State Papers is described as 7. *Jo. Ant. Musatella, Caroli V. oratoris apud Pontificem Maximum supplicatio contra divortium Regis Henrici VIII. (transumptum) Viterbi 1528*. This is an official contemporary document, and not only has the paper itself never been noticed, but the protest which it contains, of which the original must be at Rome, and of which there are probably other official copies elsewhere, has, as far as we know, entirely escaped the researches of historians. Even the recently published volume of Venetian Records, in which we hoped to have found some confirmation of it, contains not the slightest allusion to any such protest having been made. And the ambassador's name is not so much as once mentioned in the State Papers of Henry VIII.'s reign, published by the Government. Indeed, so unknown to history is the name of Mosatella, that we believe we are correct in stating that it has not once been mentioned in any English history of the period. In the recently published volume of Venetian despatches it appears four or five times, and Mr. Rawdon Browne takes occasion to notice in a note that the papers he has calendared prove that there was such a person who held the office of Emperor's ambassador in the Papal Court during the few months which preceded the month of January, 1529, when Mai was appointed to the place.

The protest is dated July 20, 1528, and is formally made by the Emperor's orator, John Antony Musatella, or Musettella (for the name is spelt both ways in the course of the document), objecting to the hearing of the cause for divorce in the realm of England, or indeed anywhere beyond the precincts of the Roman Curia, on the ground, which was always afterwards taken by the Queen and her advisers, that the place was not safe, with the addition, which was quite necessary during the lifetime of Cardinal Wolsey, that one of the Judges was not sufficiently indifferent, having been all his lifetime a *protégé* of the King's and Lord High Chancellor of the Realm, and in all respects a devoted adherent to Henry's interests. What is remarkable in the whole protest is that thus early in the affair of the divorce the Emperor should have so openly taken for granted and alleged his belief that the King's desire was not to have justice done, but to secure the divorce. This object, which became plain enough and was openly spoken of in 1529, was vested in a sort of obscurity as yet. Whatever people may have inwardly thought, it had not yet been avowed that the King's object was at all hazards to repudiate Katharine. The Pope, however, knew very well that this was the King's purpose, and he had, during the preceding month, June 1528, commissioned Wolsey and Campeggio to try the cause in England, never, however, meaning that it should be decided there. The Decretal Commission had been written and secretly entrusted to Campeggio. But six weeks seem to have elapsed before the Emperor understood the dangers with which his aunt, the Queen of England, was surrounded. The protest accordingly avows, and apparently takes quite for granted, that the King's purpose was to get rid of his wife, and Mosatella does not scruple to allege in it his knowledge that Wolsey had written to the Pope, urging him to concede all that the King of England should demand. What is most remarkable about the

document is that the Emperor's ambassador should have been so entirely cognisant, not only of the secret motives of Henry and Wolsey, but of the contents of the Cardinal's letters to the Pope, and that he should so openly have avowed his knowledge and suspicions. It is to be noticed, however, that the protest does not fail to warn the Pope of the evil consequences likely to ensue as regards wars, and even the imminent danger of loss of influence to the Apostolical See, if he should consent to the project for a divorce. Lastly, the ambassador, in order to cover the ground completely, protests against any acts into which the Queen of England may be drawn by which she may seem to have compromised the case and accepted the jurisdiction of the Legatine Court.

It must be admitted, we think, that this document is of some importance as illustrating the relations of Henry VIII., Clement VII., and Charles V., at the critical period when Campeggio was about to sail for England on his abortive embassy to try the case for the divorce.

The other document concerning which we have a few words to say is not of so unique a character. It is entered in the Catalogue as—13. *Minutes of Examinations taken, concerning the Marriage of Prince Arthur and King Henry VIII. with Catherine of Aragon (A Fragment)*. The compiler of the Catalogue does not say, as he ought to have said, that the document is an original official transcript of the evidence produced on the trial before the Legates, with the important parts of their depositions taken down in English and interlined in Latin for the benefit of the Pope or Cardinals or others who might not understand English. Neither has he stated that the last three leaves of the document are misplaced, as they refer to evidence taken in the Parliament Chamber on the 30th of June, 1529, whilst the rest of the document belongs to the 14th and 15th of July, when the Court was sitting *apud fratres minores*. We have said that this document is not unique, but in truth it is almost unique, for it contains more than has ever yet been published of the transactions of the Legatine Court. It is extremely imperfect, and the only other copy of the proceedings of the Court that we have seen, which exists in MS. in the Record Office, is also incomplete, beginning at a leaf which is numbered fol. 187, with the acts of Friday, the 16th of July, 1529, and not comprising any part of the evidence produced in the paper which we are now noticing. Probably Mr. Brewer's forthcoming volume will supply all the information that can be had as regards the mode in which the business of the Court was conducted. Meanwhile we must be content with what we have.

And this paper supplies some additions to the only continuous account which we at present possess, as given in Herbert's *History of the Reign of Henry VIII.*, and the few fragments printed from the Cotton Collection in the *Records of the Reformation*, as well as a few corrections of mistakes which have been made by Herbert. From it we learn that the articles urged against the marriage were twelve in number, according to the copy printed in the *Records of the Reformation*, and that every witness was questioned upon every one of them. Upon many of them, of course, the only answer that could be given was testified in the words, *nescit deponere*. The testimony, upon the whole, agrees tolerably well with that given by Herbert, except as to the order in which the witnesses appear; and whereas there is no evidence either in Herbert or in the fragments published by the editor of the *Records of the Reformation* as to the Court having sat at all on the 30th of June, this paper shows that the important evidence of Sir William Thomas was given on that day, after that of the Earl of Shrewsbury. This witness's evidence occupies the last four leaves from fol. 155 to 158; the rest of the document, from fol. 138 to 155, being filled with the evidence produced on the 14th and 15th of July. This in no material point varies from that given by Herbert, except in the order of the appearance of the witnesses. In the Record Sir Anthony Willoughby is called into Court immediately before Lords Darcy and Mountjoye and Sir Henry Guildford. Next after these, here varying from Herbert's account, comes the testimony of Thomas Viscount Rochford, the father of Anne Boleyn, not as yet raised to the earldom of Wiltshire. There are a few mistakes in Herbert's account of this person's evidence, but they are scarcely worth noticing. Lord Rochford, however, gives a very curious piece of evidence, the chief value of which must have been to supply a gap in the previous testimony as to the Prince and Princess having been seen in bed together on the first night after the marriage. No one had as yet testified to more than the fact of Prince Arthur having been conducted to the chamber and the bed where the deponent believed the Princess was lying. Lord Rochford attempts to explain this difficulty by alleging that it is the custom in England for brides on such occasions to be closely veiled and covered, and this with the more secrecy in proportion to their higher rank, till all men shall have left the bridal chamber. The next two witnesses called are Sir Richard Sacheverell and Sir David Owen, and in the middle of the last deponent's evidence the MS. abruptly terminates at the bottom of the second page of folio 154. Herbert usually follows the Records of the time so minutely that it is somewhat surprising he should in this case have admitted of so many variations. We will not dwell further on these, but we think we have shown that the neglected volume, Appendix XXVII. of the Cotton Collection, is entitled to more notice than it has received at the hands of historians.

We do not at present concern ourselves with the other interesting articles contained in it, but it seems worth while to observe

\* See the *Saturday Review* for July 22, 1865, for July 6, 1867, and August 22, 1868.



that there is a long discussion on the subject of the pronunciation of Greek between Thomas Smith and Stephen Gardiner, Bishop of Winchester.

#### UNDER THE SUN.\*

IT is scarcely possible to read Mr. Sala's writings for any long time together without suffering much in the same way as do persons who venture to go down in a diving-bell. They, it is said, are not only troubled by a pressure on the brain while they are in the bell, but also for some days afterwards suffer from a confused noise in their ears. It is even reported that the only way in which they can get rid of this singing, as disagreeable as it is unreal, is by listening to utterances which, while not absolutely devoid of sense, are nevertheless altogether unexciting. Thus it has been noticed that a man who on a Monday had gone down in a diving-bell had been troubled with these imaginary noises till Sunday came round, when, falling asleep while sitting under a preacher of the good old school, he woke up with his mind refreshed and his hearing restored. Another gentleman who sought relief by attending a Social Science Congress did not fare so well, for though at the end of the sitting he had entirely lost the singing in his ear which he had got from the diving-bell, yet he found it replaced by such a confusion of sounds that he vowed he would at once hasten off to the Polytechnic and try whether a fresh descent beneath the water would not restore him to that state which, however intolerable it had once been, now seemed to him not unenviable. Suffering as we did when we reached the last of Mr. Sala's 395 pages, we began to cast about how we should find relief. The Prison Congress was sitting, and we might have sought relief there, had we not known that we should come across the same Babel of tongues that meets us in Mr. Sala's writings, and that while we heard the same thing said in three different languages, we should be reminded of the author whom we were so eager to forget. In our suffering and perplexity we tried a remedy which has answered before. Fortunately a number or two of Addison's *Spectator* cleared our ears of this echo of big-sounding words. By chance we opened at a passage where we read of "Signor Nicolini's combat with a lion in the Haymarket, which has been very often exhibited to the general satisfaction of most of the nobility and gentry of the kingdom of Great Britain." When we came to study this piece attentively, we found such an extraordinary resemblance between our author and Signor Nicolini's lion, that we cannot help regarding the passage as one of those extraordinary prophecies—half conscious and half unconscious—which are scattered through all literature. It is somewhat more difficult perhaps to say who is the antitype of Signor Nicolini. Perhaps, however, we should be doing no great violence to interpretation if we were to find him in the Editor of some daily paper of vast circulation. There were those "who gave it out in whisper that the lion was a cousin-germane of the tiger who made his appearance in King William's days, and that the stage would be supplied with lions at the public expense during the whole session." At the present time, too, in the great Correspondent who at Versailles dined with emperors, kings, and princes, and after dining sang not at, but of, the dinner, many persons find more than a cousin-germane of our author, while there is no doubt of the supply of these lions being kept up at the public expense, not only during the whole session, but still more during the whole vacation. "The lion," furthermore we read, "was to act a part in High-Dutch and roar twice or thrice to a thorough bass." Mr. Sala no doubt could act a part in High-Dutch if his duties as a Correspondent ever so required him. In the present performance he acts a part in what he calls "Castilian," and while he roars not only twice or thrice, but a great many times indeed, to a thorough bass, he is, we believe, in point of grammatical knowledge of the foreign language in which he roars, scarcely inferior to his prototype the lion. In point of versatility, however, we fear he is by no means his match, for we read that "it has been observed by several that the lion has changed his manner of acting twice or thrice since his first appearance"; while Mr. Sala, whether he is writing what he calls "papers humorous" or what he calls "papers pathetic," whether he is writing, as he sometimes thinks he is, about kings, or whether he is writing, as he always is, about himself, never changes his manner at all.

Mr. Sala tells us that he has called his essays *Under the Sun*, "for the reason that the majority of them have a direct reference to the hot climates of the lands in which I have wandered." At the same time he takes as the motto of his collection the text "There is no new thing under the sun." Even if there is no absolutely new thing under the sun, there are nevertheless newer things than old essays that "were originally published in the pages of *All the Year Round*" and other papers, though they reappear in the largest of type with a handsome binding and a foolish preface. Mr. Sala explains that he cannot write unless the weather is very hot, and adds:—

I have been at home now, with brief intervals of Continental travelling, for four years, and I have written nothing worth reading. No original book of mine has seen the light for a long time; and my publisher had to make my life a torment to me ere he could incite me to collect these papers and correct the proofs. If any persons wish me to be industrious, let them combine in demanding that I should be banished very far beyond the seas, and

to the hottest climate procurable. A double purpose would thus be served. Those who dislike me personally would be able to get rid of me; whereas those who did not hate me might profit by my absence by communing with me from afar off.

In those hot climates, which would seem, to judge from our author, to be as prolific in words as they are in insect life, Mr. Sala says, "I felt my blood in my veins, and it oozed out of my fingers, and so into my pen's point into red ink." Whether Mr. Sala always writes in red ink when engaged as a Correspondent where bombshells may fall, just as the gentleman who acted Othello blackened himself all over so as to give greater reality to the part, we do not pretend to know. But if a writer can venture to put into his preface, which is as it were a sample of what may be found in his book, such miserable folly as this, we can only suppose that he is, in Addison's words, "complying with the wretched taste of his audience." To those "warm-blooded animals, swarthy and sanguineous souls," whom Mr. Sala "desires to reach," we can only say that if they will read on, they will come to numbers of other passages just as full of sound and just as empty of sense. Mr. Sala writes of himself as having "Creole, Italian, Portuguese, Red Indian blood in my veins," and he may perhaps therefore meet with some indulgence in the strange mistakes he makes in the English and Spanish which oozes out of his fingers for the delight of the "swarthy and sanguineous souls" of his readers. It might have been well, however, if he had stuck to the languages of his forefathers, and had not ventured to play such tricks with two tongues which are in a manner foreign to him. Even a Creole would blush if he were proved to have written such a medley of nonsense as the following:—

There is a picture of the Admiral hung up in the library; a picture painted by a Frenchman, and presented to the chapter by Louis Philippe, in exchange for a choice Murillo. Out of the canvas the mild eyes seemed to look on me reproachfully. I fancied the grave resolute lips moving, and that their speech ran—"What are you doing here? Why don't you go back to Havana?" But it was no fault of mine. I was a teetotum; and to wheel about and turn about was my doom.

Coming out of that strange and fascinating land—the most comfortable and most charming in the world—I sat down one day in the Fressaria at Venice, and said, "I really must go back to Havana." So, taking hold of Old Spain, I cut its throat, and tied a Chubb's patent fireproof safe to its neck, and a couple of fifty-six pound shot to its legs, and, towing the corpse out to the Lido, sank it just under the lee of the Armenian convent of St. Lazarus. It fell with a splash, and sank at once. "Back to St. Mark's," I cried to the gondolier; "and lie there, Old Spain," I continued, apostrophizing two or three ripples which played above the deed that I had done, as though murder were a thing to laugh at—"lie there; and the fishes may feed on you till I need your bones, and dredge you up again." Old bones have their uses.

Mr. Sala may perhaps plead that, if this is nonsense, it is at all events English. We should like to ask him however to what language belong "mornfulest sight," "numismatic parallels," "tender tints of reflected light and semitones stealing through the diaphanous awnings overhead," "vegetable and pomicultural refuse," "pedal protuberances," "foetal squalling," "amene reader," "caress the ever-sucking leech on his lip," and the rest. A traveller through Spain, Cuba, and Mexico might have learnt how the Spanish word for gentleman is spelt, and not have wavered between *cabalero* and *caballero*. Any one, even if he had not been so fortunate in his youth as Mr. Sala, who, as he says, knew some young Cubans who "showed" me some Castilian, might still learn to copy inscriptions correctly from the signboard over a Spanish shop. So ignorant and so careless is Mr. Sala, however, that in his parade of his knowledge of Spanish, giving the same inscription twice over within thirty pages, he varies the spelling, and yet is both times wrong. In page 74 we find "*Mi famo per l'Orbo vuela*," and in page 104 "*Mi fame per l'orbe vuela*." The two inscriptions agree in one thing. They both show a mixture of Latin, French, and Spanish, and so far, therefore, testify to the great breadth of Mr. Sala's studies. We might, however, with the change of a word or two say of his scholarship what he himself says of these inscriptions—"Their signs are very pretty, but methinks they do profess too much." But to such trifling criticism as this so popular a writer will doubtless be indifferent, and will comfort himself with quoting his own Spanish—"Todos mi elogian." Mr. Sala, without perhaps quite intending it, lets us into the secret of the wonderful memory with which he is commonly credited. He is describing at great length a certain cigar merchant whom he met at Havana. He tells us what he wore, on what he sat, how he had "a continuous and diaphanous drapery of grateful incense hanging round." He thinks his readers will like to know something of the person of this cigar merchant, and so he says he was "a lissom, dusky, oily-looking man, if I remember right, with a lustrous, bush-like moustache." We shall not stop to inquire whether what Mr. Sala calls "the innate good-breeding of a *cabalero*" (*sic*) would not keep a traveller from giving a personal description of a man who receives him kindly, and presents him on leaving with a box "containing one hundred of the superlative cigars known as 'excepcionales.'" Nor shall we stop to reflect on the taste of Mr. Sala's readers, who are supposed to be gratified by a minute description of a man whose only claim to notice consists in his dealing in cigars in Havana and in his once squeezing Mr. Sala's hand. What are we to say, however, to this minute recorder of the most trifling matters when he tells us that a person he meets was "a lissom, dusky, oily-looking man, if I remember right"? Mr. Sala knows that "the wretched taste of his audience" requires personal descriptions. If he can "remember right" the faces, figures, and clothes of every one he meets, his description, however imper-

\* *Under the Sun: Essays mainly Written in Hot Countries.* By George Augustus Sala, Author of "My Diary in America in the Midst of War," "Gaslight and Daylight," "Papers Humorous and Pathetic," &c. London: Tinsley Brothers. 1872.

timement, will still be accurate. If he has any doubts about his memory, he will nevertheless give as minute a description, and save his conscience, should it be troublesome, by a qualifying clause. In the same page in which he describes this cigar merchant he tells a story of Dr. Johnson, but though he utterly spoils the story, and makes a wonderful mess in point of chronology, he this time forgets to throw any doubt on the accuracy of his memory. He says:—

You have only to go on brewing barrels of beer, and an ever-thirsty public will go on buying and paying. Dr. Johnson had an inkling of this, when, taking stock, as executor under Thrale's will, of the great brewhouse which was afterwards to become Barclay and Perkins's, he told Topham Beauclerk that he had at last discovered the "source of boundless prosperity and inexhaustible riches."

If Dr. Johnson had ever made so commonplace a remark to Topham Beauclerk, Beauclerk, unlike Mr. Sala, would certainly not have taken the trouble to repeat it. What Dr. Johnson did say at the sale of Thrale's brewery every one knows with the exception of Mr. Sala. Mr. Sala, apparently distrusting his memory, tries, like a certain class of witnesses in a court of justice, to hide his want of accuracy beneath greater circumstantiality. Topham Beauclerk is accordingly brought into the story, and by the peculiarity of his name casts an agreeable air of veracity about the whole quotation. Unfortunately for Mr. Sala, Topham Beauclerk happened to have died a year before Mr. Thrale. In fact, it was "at Mr. Thrale's" that Johnson, speaking of his friend, who was just dead, said "that Beauclerk's talents were those which he had felt himself more disposed to envy than those of any whom he had known."

When we come to look into Mr. Sala's trick of writing, and find in his humour an imitation of Charles Lamb, and in his pathos an imitation of Charles Dickens, we are reminded of another saying of Dr. Johnson's. Boswell, in defending "the poems of a pretty voluminous writer," asked, "Is there not imagination in them, sir?" Johnson replied, "Why, sir, there is in them what *was* imagination, but it is no more imagination in *him* than sound is sound in the echo."

#### WAGNER'S TRINUMMUS.

MR. WAGNER need have offered no apology for putting forth an edition of the *Trinummus* for English scholars, even if the appearance of Ritschel's new theories and new excursions—which belie in some points the old adage as to second thoughts—did not render it opportune and seasonable. Time, and retouching, and an English printer, might perhaps have combined to turn out a text-book more thoroughly neat and handy and compact as to form and matter; but, considering how few scholars we have amongst us, since the appearance of Hildyard's *Menœchmi* and *Aulularia*, who are disposed to make Plautus their chief study, we must be thankful for what this German editor, "who loveth our nation," is kind enough to do for us—namely, to supply an edition of one of the best plays of Plautus, in which no difficulty of metre or interpretation is slurred over, and upon which a very rare knowledge of general and special phraseological and philological research has been bestowed. Many students shirk the vexed question of Plautine metres as one upon which the learned rave and wrangle to no purpose; and it is certainly not reassuring to find the greatest authorities on metre and pronunciation at issue, not only with their neighbours, but with themselves. We think, however, that Mr. Wagner's preface is calculated to give confidence to those who withhold their belief from the pamaecia for *hiatus* which Ritschel finds in the final *d*, affixed not only to ablatives, nouns, adjectives, and pronouns, but also to adverbs, prepositions, and imperatives. Generally Mr. Wagner espouses the contrary view of Corssen, that in the conversational language of Plautus and Terence this final *d* of ablative nouns had disappeared, and that the authority of MSS. is against it, except in such cases as *med*, *ted*, and perhaps *sed* for *se*. In the notable case at v. 726 of this very play, where the adverbial form *placide* might seem to be warranted or needful (and perhaps justifiable on the analogy of *facile* in the famous *Senatus-consultum de Bacanibus*), our editor rightly considers Ritschel's own emendation "*placide*" happier and likelier; and we must own that there are fewer difficulties in the way of his theory of the admissibility of *hiatus* in the *cæsura*, and when the line is divided between two or more speakers, than in the violent demands on our credence which Ritschel and others make in their anxiety to avoid this. One or two of these we may have to notice incidentally; but we are aware that an article devoted to this single aspect of the task of editing Plautus would run a great risk of being "taken as read"; and accordingly we prefer to touch on the exegetical merits of the edition before us, although it deserves to be remembered that the greatest approach to certainty as regards metrical form is of very considerable moment in the ascertaining of the true text, which obviously should be approximately settled before the interpretation of it is attempted.

If any one desires to understand the immense importance of an accurate text and a clear understanding of the little words and connecting particles, which are apter to get confused and obscured than the phrases and idioms, to the clear apprehension of the point and drift of Plautus, he has but to look at the translations of

Thornton, Warner, and others, to see how widely even fair scholars may err through neglecting or losing sight of minutiae. In a review some time since of Mr. Strong's version of the *Mostellaria*, or "Haunted House," we endeavoured to show that in the comedies of Plautus there is a great bank of plot, wit, and humour upon which modern playwrights may still draw with perhaps greater advantage than upon that of France. A *sine quâ non*, however, to any successful efforts in this direction is an accurate knowledge of what Plautus wrote. And to Mr. Wagner's credit it must be said that a study of the *Trinummus* in his edition cannot but lead to such an accession of familiarity with, and appreciation of, the ancient dramatist and his nicer points and hints as ought to make itself sensibly felt in translation or reproduction.

The plot of the *Trinummus* is not intricate. An old Athenian, Charmides, has gone abroad, and left his son Lesbonicus and a daughter under the guardianship of his friend Callicles, with private instructions as to a treasure hid in his mansion. Lesbonicus runs riot in his father's absence, and when at last the family mansion is brought to the hammer, the guardian buys it at a low price, to save the treasure which lay hid there. For doing so he incurs suspicion and animadversions from a certain didactic old gentleman, Megarionides, but his explanations satisfy the audience that Callicles is true to his friend's interests. Meanwhile a friend of Lesbonicus, Lysiteles, a wealthy young Athenian, seeks his sister's hand, and would fain take her without dower; but Lesbonicus will not hear of this, and proposes rather to part with the remnant of land which yet belongs to him. His slave's interference to frustrate this honourable proposition gives rise to a very amusing scene; and the guardian's plan for giving the girl a portion out of the hidden treasure without revealing the secret of it to the brother brings about another capital situation, when the knave who is hired to pretend to be the bearer of a letter from the absent father to his son, and of a portion for his daughter to be paid over to Callicles, comes in contact with the real Simon Pure, Charmides, actually returned from abroad. From this knave, who calls himself Trinummus from the three pieces of money for which he undertakes the job, the play of course gets its name; and its chief complication is where the hiring Trinummus talks to Charmides of his intimacy with his unsuspected and unrecognized self, and then, when Charmides discovers himself, treats him as an impostor. At last the play ends—as Plautus mostly ends his plays—with the *durus pater* belying his character and forgiving everybody; but the memorable scene of the whole piece is that to which we have just referred, which, it need scarcely be said, is probably the germ of the well known scene in the *Taming of the Shrew* in which Lucentio's father, the real Vincentio, comes in contact with the pedant who has been hired to personate him, and is well nigh cast into prison for imposture by the rogue, whose conscience towards his employers dictates that he should act out his part to the end.

In the rendering of such a scene as this there is need of the nicest perception of the force of each Latin word and phrase; and it is in such cases that the greater exactness of modern scholarship opens a field for translators and imitators to turn a knowledge of Plautus to the best account. Indeed we are surprised to observe how slovenly the work of even literal translators has often been in this field. In the course of the amicable contest betwixt Lesbonicus and Lysiteles about dower or no-dower, two lines afford a proof of how what is under the surface is apt to escape all but the lynx-eyed. Lysiteles urges (686-7)—

Tantum meliust te sororis causa egestatem exsequi  
Atque eum agrum me habere quam te tua qui tolere moenia?

Mr. Riley, a competent scholar, translates this in Bohn's series, "And is it so much preferable that for your sister's sake you should incur poverty, and that I should possess that land rather than yourself, *who ought to be upholding your own walls*?" A knowledge of the text and language of this play taken by itself ought to have led to a better understanding of the italicized words, which Thornton, with an ambiguity which passes for caution in a weak translator, renders "you might repair your shattered fortune." Mr. Riley ought to have seen light in the various reading, "*munia*," of some editions; but really there is no excuse for missing the fact that "*moenia*" is i.q. "*munia*," just as in v. 24 "*immoenis*" is i.q. "*immunis*" and just as in v. 354 the line—

Is est immoenis quoi nihil est, qui moenus fungatur suum—

in which "*munus*" and "*immunis*" are various readings, is a facetious definition of one who has not wherewithal to pay his rates and taxes. The word "*tolerare*," too, might have been perceived from what had gone before (see note on v. 338) to mean to "discharge" or "assist in bearing." Mr. Wagner's labours will make such laches impossible to those who read the *Trinummus* in his edition, unless it be where he credits his readers with his own familiarity with dramatic idioms. A case of this is to be found in a scene between Philto, the father of Lysiteles, and his son. When the latter has induced his father to approve of the match he is about to make, he throws upon him all the task of propitiating the lady's brother. The father comically remarks,

Ecce autem in benigne repperi negotium (389),

and Wagner's note that *negotium* means "a troublesome piece of work" is good as far as it goes, and as showing that "compliances entail trouble." But it would have been no less to the purpose to draw attention to the comic and dramatic sense of "*ecce autem*," which is here very marked. By these two words the line connects

\* T. Macci Plasti *Trinummus*, with Notes Critical and Exegetical. By Wilhelm Wagner, Ph.D., Editor of the "*Aulularia*" and of Terence. Cambridge: Deighton, Bell & Co. London: Bell & Daldy. 1872.



itself with the words of the last speaker, and means "Ha! here it is again; my complaisance is getting me into trouble"; or "Lo! you, there now! I'm getting into trouble by my good nature." Similar omissions are made at v. 104, where there might have been a note on "in manu," and at v. 287, where "canto" would have been better understood in its peculiar sense for a word of explanation.

One of the richest passages in the whole play is that in which the slave Stasimus dissuades Philto from accepting the proposed piece of ground (v. 523-44) on his son's behalf, and enumerates its bad points seriatim, with that end in view. Thornton's version will amuse, and the notes of Wagner, to which reference may be desirable, may be read as well with it as with the Latin:—

STAS. First, then, whenever the land is plough'd, the oxen  
Every fifth furrow drop down dead.  
PHIL. Fie on it!  
STAS. A passage down to Acheron's in our field.  
The grapes grow mouldy, as they hang, before  
They can be gather'd.  
LES. He is, I suppose,  
Persuading him; though he's an arrant rogue,  
To me he's not unfaithful.  
STAS. Hear what follows.  
When the harvest elsewhere promises most fair,  
The yield is here three times less than you've sown.  
PHIL. Nay!—then methinks it were a proper place  
For men to sow their wild oats, where they would not  
Spring up.  
STAS. There never was a person yet  
That ever held that farm, but his affairs  
Did turn to bad; some ran away, some died,  
Some hang'd themselves.—Why, there's my master now,  
To what sad straits is he reduced!  
PHIL. O, keep me  
Far from this farm!  
STAS. You'd have more cause to say so  
Were you to hear the whole. Each second tree  
Is blasted with the lightning; nay, and more—  
The hogs are eat up with the mange; the sheep  
Pine with the rot, all scabby as this hand.  
And no man can live there six months together;  
No, not a Syrian, though they are most hardy,  
The influenza is to all so fatal.—Thornton, vol. ii. pp. 37-8.

Upon the original of this lively passage Mr. Wagner has not been chary of explanatory notes. In the first line the primary sense of *olim* (b. e. *illo tempore*) is pointed out and illustrated; in the 7th, *postid* (cf. *antid*, v. 546) is shown to be the original form of *post*, and to have been an old ablative in *d*, a trace of which survives in the later Latin compound "postidea." Afterwards the curious expression "ad incitus redactus" (v. 537) is identified to a nicety with "checkmate" in chess; the summer fever, which Plautus calls "*morbis solstitialis*," is described and illustrated by Latin and Greek parallels; and last, not least, a tilt is run at Ritschel in reference to his maintenance, *à propos* of v. 539, of the strange theory of a nominative plural in *as* for metrical purposes. The line runs in MSS. "*Nam fulguritæ sunt alternæ arbores.*" Ritschel ignores Wagner's principle of hiatus "before a cretic word at the end of a line," although it is supported by Spengel and Brix in two passages of the *Menschheim*, and resorts to reading *alternas* for *alternæ*, justifying this queer and novel nominative plural by "Quot lætitiæ insperatas (!) modo mi irrepserunt in sinum," where "*lætitiæ*" is manifestly the "accusativus exclamantia." Common sense must here pronounce on the side of Mr. Wagner.

Another of the happiest passages in this play is also recalled by another of Ritschel's readings, *placided*, invented to obviate the hiatus. We agree with Mr. Wagner in thinking that, if any change was needed, Ritschel's first resource, "*placidulæ*," was very neat and Plautian. But the passage has a more general interest on account of its being a first-rate sample of the figure *παρά προσδοκίαν*, deservedly popular in ancient as in modern burlesque. In it Stasimus, seeing how things are going, and that he and his master have nothing to hope for except by enlisting, breaks out into reflections of mixed gloom and banter. (Video caculam—in tabernaculo, p. 721-6.) Thornton's rendering is very wide of the mark; but the pitch of it is represented in this literal version, which may possibly serve to recommend the humour of the play:—

I see  
That I must shortly be a soldier's drudge.  
And when my master's ta'en some monarch's pay,  
Methinks mid warriors he will take the lead—  
In headlong flights; and spoils will fall to him—  
Who shall have faced my master in the fight.  
For me—when with a bow I'm strongly arm'd,  
My quiver full of shafts, my head encased  
In helmet, then—I th' tent—I'll sleep at ease.

Here, as in most instances, the editor's notes leave nothing to be desired.

Had we space, we might draw attention to various happy emendations proposed or adopted by Mr. Wagner of equal merit with his suggestion to read "*hæc curas exorciant*," in 287, for "*hæc sunt quæ exorciant*," to which Spengel demurs as foreign to Latin usage. "*Curæ*," or "*coeræ*," which are identical, may, he thinks, have got corrupted into "*quæ me*." A still more certain emendation is the reading in v. 297, "*nil ego istos moror facces mores*," for *factos*, which is out of place in reference to the context. This indeed is a conjecture which has been subsequently confirmed by the palimpsest. We might dwell also on the notes of difference between Plautus and Terence which Mr. Wagner points out in several passages, and on the internal evidence of the date of the play which he finds in the allusions to a dearth at the

time (v. 32 and v. 484) and to the ascendancy of the aristocratic party (v. 34) as well as to the selling of the Capuans as slaves (v. 545). Both these add to the interest and value of his annotations. We must also mention the rare merit of his explanations and derivations of words, such as *dum*, *quoniam*, *possum*, *russum*, *simultu*, and the like. Since we reviewed Mr. Wagner's *Terence* he has become more proficient in our language, though he still talks of "ill-demeanour" for "misconduct," of the "affect" for the "feeling" of a speaker, translates "*inscitia*," a "*bévue*," characterizes a brother professor as "up to anything," and with an equally charming naïveté translates "*insanum malum*" (v. 573) as "awfully bad." Perhaps, however, our native slang is more to blame than the foreigner who does not distinguish the wheat from the tares. At any rate he has made in this edition his best contribution to the service of Latin scholarship, and his *Trinummus* deserves a welcome not only from those who look for a complete edition of Plautus in due season, but also from those who have to depend on future translations for a really trustworthy English counterpart or presentment of the chief of Latin playwrights.

#### OMBRA.\*

CRITICS have a right to be severe in their demands on Mrs. Oliphant. Her powers are not of the kind to be judged by any rule of good-natured tolerance, but rather by as high a standard as is applied to any living novelist; and her fault, therefore, when she fails in the excellence which is possible to her, is great in proportion to the opportunity which she has missed of doing first-rate work. Every now and then, tempted apparently by the demon of haste and facility, she puts forth an inferior production, which probably the reading world, notoriously loyal to a name, accepts in faith as a creditable sample of her skill, but which to the critic accustomed to analysis is a patent mistake. Then she charms the severest reviewer by some short story which recalls Mrs. Gaskell's best method; and then, again, she delights and yet disappoints by such a work as *Ombra*, which in certain parts is so excellent, so tenderly thought and so delicately touched, that we feel almost personally aggrieved when we come across the weaker portions, or stumble over the pages which have evidently been written in haste, and neither corrected nor repented of at leisure.

Nothing can be fresher or brighter than the three principal female characters of this book. They are quaintly original, and yet entirely natural. Perhaps we might take exception to the action of Mrs. Anderson concerning Ombra's "secret," as not quite in accordance with the kind of woman she is described to be. True, the whole circumstances were difficult, and the opposing lines of interest and inclination many; but we think she would not have given way to such a questionable proceeding as she did, and that conventional propriety would have carried the day over maternal complaisance, even when the daughter was such a one as Ombra. If, too, we view her conduct as an evidence of gratified maternal ambition, we are scarcely better satisfied; for the gratification was of a somewhat qualified kind, all things considered, and though matters came right in the end, they did so by chance more than by deserving. But if this one special action strikes us as being hardly natural to her—and we are not sure that we are absolutely justified in our objection—the whole character is truthfully and delicately indicated, and makes one of Mrs. Oliphant's best portraits. Really kind-hearted and affectionate, yet not indisposed to more demonstrativeness than was quite sincere, even in one of her naturally caressing disposition; worldly, with the half-bitter ambition of a woman who has made a *mésalliance* and suffered by it, yet honourable, and with a sense of dignity and self-respect that kept her from sinking into the rank of a well-born adventuress; loving her daughter, yet fearing her moody temper even more than she delighted in her beauty, or took pride in her intellect; loving Kate, her niece, still more, yet taking part in the cruel deception that overwhelmed her favourite with such unnecessary sorrow, and deserting her in a manner that was both unfeeling and unwomanly; still beautiful in her mature sirenhood, but not coquettish, and unaffectedly maternal, she is one of the best drawn personages of the book. Only a writer of rare discrimination could have delineated a character at once so vivid and so subtle; and if the author of *Ombra* had done nothing else for her fame, "Mrs. Anderson" would have given her rank among our best character-painters. The mingled feelings that possessed Mrs. Anderson when Mr. Courtenay proposed to her to take on herself the guardianship of his ward are admirably portrayed. Kindness towards her dead sister's child, desire to regain a footing in the family which had discarded her for her marriage, the advantage of the income offered in addition to her own limited means, natural tenderness and artificial needs, with the fear of Ombra pervading all, make up an excellently conceived, and as excellently executed, entanglement of motives—all true to nature. The effusive scene at the railway station, when she kisses and cries over Kate—the cynical old uncle looking on with a half-amused disgust, while Kate asks in amazement, "Are you sorry? because I am glad, very glad to see you. I could not cry for anything; I am as happy as I can be"—is a charming bit of work all through. The "warm darkness" that surrounded the

\* *Ombra*. By Mrs. Oliphant, Author of "Chronicles of Carlingford," "Salem Chapel," &c. 3 vols. London: Hurst & Blackett. 1872.

child, the "pressure of something which held her close," the "voice murmuring and purring over her," and then the release, when she saw a tall, kind, handsome woman with a face like her own, bring the scene bodily before us. But Mrs. Anderson is always visible in her personality, and stands out from the pages firm and solid.

The character of Ombra herself is more complex, and therefore more contradictory, than that of her mother. Mrs. Anderson is the woman of happy escapes. She just "saves" this or that dangerous quality; just escapes being a humbug, an *intrigante*, a schemer, an adventuress. But Ombra is the girl of contradictory extremes; and what between her reticence to-day and her passion to-morrow, her hatred of pretence on the one side and her condescension to practical falsehood on the other, we confess we are rather at a loss how to class her, and do not quite know what is meant to be the result of an hysterical temper or what is grave moral fault. Certain it is that she is very unamiable. Suspicious, selfish, jealous, exacting, but lovely and fascinating, she is one of those women who seem sent into the world to be the torment of all with whom they are associated, and whose fortunes, even when at the brightest, are overclouded by their own painful moods. The cruel dexterity with which she made it appear as if it was the one Bertie with whom she was flirting, while all the while it was the other who was making love—which secret is admirably managed by Mrs. Oliphant—was more clever than admirable; and the outburst which so nearly broke poor Kate's heart was unpardonable, even under the peculiar circumstances existing. Yet for all her faults and inconsistencies, there is something that is both fresh and enchanting about Ombra. Shadow as she is in name, she is also shadowy in drawing and colouring; and her nature is at times in harmony with her seeming. Her thoughts and aspirations in the beginning are all vague and indistinct. No gaiety warms her, no self-abandonment in the early part of the book gives her the thrill or the life of passion. As we see her in the beginning, she reminds us of one of those German spirit-maidens who float away on the moonbeams or dissolve in a cloud; and we can scarcely reconcile the slightly vulgar and vixenish Ombra of the conclusion, full of fierce complainings and a love that was neither tender nor noble, with the cold and vague, but exquisitely truthful and refined Shadow of the cottage, whose pure nature abhorred the very echo of a falsehood, and whose subtle graces worked up a soul in her young cousin, and transformed a pert and troublesome child into a sweet and gracious gentlewoman. And, by the by, nothing is more beautiful than the running description of the influence which Ombra exerts over Kate Courtenay; nothing truer than the half indifference, half dislike, dashed with envy, with which the "Ice-maiden," as old Francesca calls her, receives the enthusiastic love of her turbulent adorer, a love which softens her temper only when it touches her vanity. And yet Ombra is not bad-hearted; she is simply bad-tempered.

It is the cousin, however, this Kate Courtenay, the heiress of Langley Courtenay and the subject of an educational experiment which forbade her to love or to be loved, who is the popular person of the story; and deservedly so. From first to last Kate is delightful and deliciously natural. We would not spare one trait of that interfering, arbitrary, self-satisfied, soulless girlhood of hers, nor see the smallest or the sharpest of her impertinent angles rubbed away. We love her from the first, faults and all; though we acknowledge that in real life she would have been a terrible nuisance, and one that would have required all our philosophy and Christian charity to endure with composure. But as she grows older, and softens and ripens under the fostering care of her aunt, she becomes a creature of exceeding beauty; as generous and transparent, as loving and joyous, as Ombra is the reverse. Her first introduction is charming; and we can perfectly realize the unconscious audacity of this fifteen-year-old chatterbox, as she gives good advice to her cynical uncle, and explains to him her wishes for the present and her views for the future, with the sublime assurance of a young autocrat; for is she not lady of the manor at Langley Courtenay, with more than mediæval notions about her rights as proprietress and the duties of her subjects? The discomfort which follows, when she is taken off her stilts and sent back to the nursery, and the struggle between her wounded pride as the lady and her longing for the strawberries as a girl, is in Mrs. Oliphant's special manner. Very quaint and charming, too, is that scene in the dell, where Bertie hears her crying, and commits a trespass to come to the rescue; and where the first seeds are sown of the love which afterwards came to such pretty maturity, and with such a delightful dash of sweet imperiousness across its sentiment. For not even in her love can the lady of the manor forget her territorial dignity, or be other than the *châtelaine*. But indeed Kate is charming all through, and both she and Ombra are witnesses to the fact that to create interest and originality of a high quality no author need necessarily go to crime or sensationalism. Old Francesca, too, is good, but slightly tiresome with her broken English; and Lady Caryisfort, though only a sketch, is in excellent keeping with her place in the story and with the story itself. Of the two Berties we cannot speak so favourably. They are women's men, and act as women's men generally do; that is, unlike the real thing. But, as to speak of them openly would betray Mrs. Oliphant's secret, and Ombra's, we will content ourselves with this protest, and leave our readers to find out for

themselves what it means. In spite, however, of what may be shortcomings here and there, *Ombra* is a thoroughly delightful book; nevertheless Mrs. Oliphant should not stop short of supreme excellence, as she does. She has it in her, if only she knew how to bring it out; and she ought not to rest contented until she has brought it out, and set herself on the highest place in the literature of fiction.

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